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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI REGISTER

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SECRETARY OF STATE

JOHN R. ASHCROFT

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•

MANAGING EDITOR

JOHN C. STEGMANN

•

EDITOR

VONNE KILBOURN

•

ASSOCIATE EDITOR

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•

PUBLICATION SPECIALIST

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•

ADMINISTRATIVE AIDE

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IN THIS ISSUE:

EMERGENCY RULES

Department of Labor and Industrial Relations	
Division of Workers' Compensation . . . . .	.305
Department of Revenue	
Director of Revenue . . . . .	.310
Department of Social Services	
MO HealthNet Division . . . . .	.311

EXECUTIVE ORDERS314

PROPOSED RULES

Department of Elementary and Secondary Education	
Division of Learning Services . . . . .	.316
Division of Financial and Administrative Services . . . . .	.317
Department of Natural Resources	
Clean Water Commission . . . . .	.318
Department of Public Safety	
Peace Officer Standards and Training Program . . . . .	.321
Department of Revenue	
Director of Revenue . . . . .	.321
Department of Social Services	
Family Support Division . . . . .	.325
MO HealthNet Division . . . . .	.329
Department of Health and Senior Services	
Division of Regulation and Licensure . . . . .	.334
Department of Commerce and Insurance	
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects . . . . .	.358
State Board of Pharmacy . . . . .	.358
Board of Private Investigator and Private Fire Investigator Examiners . . . . .	.360

ORDERS OF RULEMAKING

Department of Agriculture	
State Milk Board . . . . .	.361

Department of Elementary and Secondary Education

Division of Learning Services361
---	------

Department of Public Safety

Division of Alcohol and Tobacco Control361
---	------

Department of Social Services

MO HealthNet Division363
---------------------------------	------

Elected Officials

Secretary of State366
------------------------------	------

Department of Commerce and Insurance

Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects . . . . .	.366
Behavior Analyst Advisory Board . . . . .	.367
State Board of Nursing . . . . .	.367
State Board of Pharmacy . . . . .	.367
Missouri State Committee of Interpreters . . . . .	.368
Board of Private Investigator and Private Fire Investigator Examiners . . . . .	.368
Public Service Commission . . . . .	.369

IN ADDITIONS

Department of Elementary and Secondary Education

Division of Financial and Administrative Services370
---	------

DISSOLUTIONS371

SOURCE GUIDES

RULE CHANGES SINCE UPDATE . . . . .	.373
EMERGENCY RULES IN EFFECT . . . . .	.378
EXECUTIVE ORDERS . . . . .	.380
REGISTER INDEX . . . . .	.381

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
October 1, 2020 October 15, 2020	November 2, 2020 November 16, 2020	November 30, 2020 November 30, 2020	December 30, 2020 December 30, 2020
November 2, 2020 November 16, 2020	December 1, 2020 December 15, 2020	December 31, 2020 December 31, 2020	January 30, 2021 January 30, 2021
December 1, 2020 December 15, 2020	January 4, 2021 January 15, 2021	January 29, 2021 January 29, 2021	February 28, 2021 February 28, 2021
January 4, 2021 January 15, 2021	February 1, 2021 February 16, 2021	February 28, 2021 February 28, 2021	March 30, 2021 March 30, 2021
February 1, 2021 February 16, 2021	March 1, 2021 March 15, 2021	March 31, 2021 March 31, 2021	April 30, 2021 April 30, 2021
March 1, 2021 March 15, 2021	April 1, 2021 April 15, 2021	April 30, 2021 April 30, 2021	May 30, 2021 May 30, 2021

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 5—Determination of Disability**

EMERGENCY RULE

8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders

PURPOSE: The intent of this emergency rule is to clarify that certain evidence related to exposure of First Responders to COVID-19 will be available for review in proceedings under Chapter 287. This rule is necessary due to the expiration of a presumption of exposure as provided in 8 CSR 50-5.005. This emergency rule is also for the purpose of clarifying eligibility for workers' compensation benefits and providing protections for First Responders in the state of Missouri related to the COVID-19 public health emergency. This emergency rule implements clarifications to the Missouri Workers' Compensation Law effected by the Governor's Executive Order 20-19 (originally Executive Order 20-02) and pursuant to the Governor's emergency powers under Chapter 44, RSMo.

EMERGENCY STATEMENT: This emergency rule incorporates and implements clarifications to the Missouri Workers' Compensation Law effected by the Governor's Executive Order 20-19 (originally Executive Order 20-02) and pursuant to the Governor's emergency

powers under Chapter 44, RSMo. Section 44.100, RSMo provides that during a state of emergency the Governor is authorized to "perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population." Emergency enactment of this rule is necessary to preserve the compelling governmental interest of protecting the health and welfare of First Responders during a time of declared state and national emergency relating to the COVID-19 pandemic.

This emergency rule directs that an affirmation from the employer of a First Responder that the First Responder's duties were such as to create an exposure to COVID-19 not typically required of the general public may be relied upon as competent and substantial evidence.

Emergency enactment of the rule will also assist the Missouri State Department of Health and Senior Services in performing their critical duties of providing for the health and welfare of Missouri citizens.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Division of Workers' Compensation believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed January 15, 2021, becomes effective February 1, 2021, and expires July 30, 2021.

(1) A First Responder, defined as a law enforcement officer, firefighter or an emergency medical technician (EMT), as such occupations are defined in Section 287.243, who has contracted COVID-19 may present evidence in the form of an affirmation from their employer that the First Responder's duties were such as to create an occupational exposure to COVID-19. In any proceeding under Chapter 287, such affirmation may be relied upon as sufficient competent evidence in the record for a finding that the occupational disease arose out of and in the course of such employment and that such occupational exposure was the prevailing factor in causing the resulting medical condition, disability and/or death. When such affirmation is presented, medical conditions, disability and/or death resulting from COVID-19 shall be considered to follow as an incident of an occupational disease and shall not be considered an ordinary disease of life to which the general public is exposed outside of the employment.

(2) The authorization referred to in Section (1) shall be made on the following form, the sole purpose of which is to be submitted as evidence in a proceeding under Chapter 287. As used in this section, the term "Authorized Employer Representative" shall mean a person with supervisory authority over, and with personal knowledge of the daily work-related duties of, the named First Responder.

Affirmation of Employer—Scope of Employment of First Responder Employee

By signing this form I affirm by personal knowledge or belief that the individual named below is a First Responder as defined in Section 287.243 and that such individual's duties arising in the normal scope and course of his/her employment do require and cause in-person interactions with the public, in a manner not typically required of the general public, as to expose him/her to COVID-19 and that such individual did perform such duties during the time of a declared state of emergency.

This form shall constitute evidence that may be offered in a proceeding under Chapter 287.

First Responder Employee (Name): _____

Employer: _____

Authorized Employer Representative (Name/Title): _____

Authorized Employer Representative (Signature): _____

In Witness whereof I have hereunto subscribed my name and affixed by official seal

this _____ day of _____, 20____.

Notary Public

My Commission Expires:

(3) Section (1) shall not apply if a subsequent medical determination establishes that the First Responder did not contract COVID-19.

(4) Notwithstanding Section (1), if the weight of sufficient competent evidence demonstrates that a First Responder contracted COVID-19 resulting from exposure that was not related to the First Responder's employment, the claim shall not be compensable.

(5) The provisions of this emergency rule shall cease to be in effect at the expiration of the state of emergency declared in Executive Order 20-19 (originally declared in Executive Order 20-02) or any successor executive order extending the state of emergency, whichever occurs later, or upon the expiration of this emergency rule as set forth in Chapter 536.

AUTHORITY: section 287.650, RSMo 2016. Emergency rule filed Jan. 15, 2021, effective Feb. 1, 2021, expires July 30, 2021.

PUBLIC COST: Due to the state of emergency caused by the COVID-19 pandemic and the difficulty of predicting the viral infection rates and the potential long-term health effects and the fatality rates of First Responders, the fiscal impact of this emergency rule is unknown. Since determinations of benefits under Chapter 287 are decided on a case-by-case basis by an administrative law judge, precise estimates are unknowable. However, based on reports of first injury and claims filed during 2020, an estimate for the impact of this rule may range from between \$0 and \$318,780.

PRIVATE COST: The overwhelming majority, if not all, of the First Responders covered by this emergency rule are employees of state or local governments. Due to the state of emergency caused by the COVID-19 pandemic and the difficulty of predicting the viral infection rates, the potential long-term health effects and the fatality rates of First Responders, the fiscal impact of this emergency rule is unknown.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Title 8 – DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**
Division Title: Division 50 – DIVISION OF WORKERS' COMPENSATION
Chapter Title: Chapter 5 – DETERMINATION OF DISABILITY

Rule Number and Name:	8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders
Type of Rulemaking:	Emergency

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Political subdivisions providing workers' compensation for first responders as defined in the emergency rule.	Due to the state of emergency caused by the COVID-19 pandemic and the difficulty of predicting the viral infection rates and the potential long-term health effects and the fatality rates of First Responders, the fiscal impact of this emergency rule is unknown. Since determinations of benefits under Chapter 287 are decided on a case-by-case basis by an administrative law judge, precise estimates are unknowable. However, based on reports of first injury and claims filed during 2020, an estimate for the impact of this rule may range from between \$0 and \$318,780.

III. WORKSHEET

- See below.

IV. ASSUMPTIONS

- **PUBLIC COST:** Due to the state of emergency caused by the COVID-19 pandemic and the difficulty of predicting the viral infection rates and the potential long-term health effects and the fatality rates of First Responders, the fiscal impact of this emergency rule is unknown. Since determinations of benefits under Chapter 287 are decided on a case-by-case basis by an administrative law judge, precise estimates are unknowable. However, based on reports of first injury and claims filed during 2020, an estimate for the impact of this rule may range from between \$0 and \$318,780.
- **PRIVATE COST:** The overwhelming majority, if not all, of the First Responders covered by this emergency rule are employees of state or local governments. Due to the state of emergency caused by the COVID-19 pandemic and the difficulty of predicting the viral infection rates, the potential long-term health effects and the fatality rates of First Responders, the fiscal impact of this emergency rule is unknown.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Title 8 – DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**
Division Title: Division 50 – DIVISION OF WORKERS’ COMPENSATION
Chapter Title: Chapter 5 – DETERMINATION OF DISABILITY

Rule Number and Title:	8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders
Type of Rulemaking:	Emergency

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any private entity made up of first responders as defined in the emergency rule.	Any private entity made up of first responders as defined in the emergency rule.	Due to the state of emergency caused by the COVID-19 pandemic and the difficulty of predicting the viral infection rates, the potential long-term health effects and the fatality rates of First Responders, the fiscal impact of this emergency rule is unknown.

III. WORKSHEET

- See below

IV. ASSUMPTIONS

- The overwhelming majority, if not all, of the First Responders covered by this emergency rule are employees of state or local governments. Due to the state of emergency caused by the COVID-19 pandemic and the difficulty of predicting the viral infection rates, the potential long-term health effects and the fatality rates of First Responders, the fiscal impact of this emergency rule is unknown.

Title 12—DEPARTMENT OF REVENUE**Division 10—Director of Revenue****Chapter 2—Income Tax****EMERGENCY RULE****12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Location**

PURPOSE: This rule modifies the manner in which the amounts required to be withheld by certain employers for employees performing services for wages from a temporary work location are calculated during a defined period.

*EMERGENCY STATEMENT: This emergency rule is necessary to respond to the Covid-19 public health emergency. This emergency rule is necessary to preserve a compelling governmental interest, in that this rule will prevent an undue burden to employers who have been required to take extraordinary steps to protect the health of their employees and the public at large in response to the Covid-19 pandemic. This emergency rule modifies the procedure for withholding and remitting Missouri state income tax and allows certain employers to elect to withhold and remit tax on the basis of primary work location when an employer's employees were working from a temporary work location during a specified period. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Revenue believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed January 6, 2021, becomes effective January 21, 2021, and expires July 19, 2021.*

(1) Definitions:

(A) Employer—The term “employer” as used in this rule has the same meaning as supplied by 12 CSR 10-2.015(2).

(B) Employee—the term “employee” as used in this rule has the same meaning as supplied by 12 CSR 10-2.015(6).

(C) Primary Work Location – The term “primary work location” means the address of the employer where the employee was regularly assigned to work immediately preceding the declaration date.

(D) Temporary Work Location—The term “temporary work location” means a location where the employee worked during the COVID-19 relief period that was in a state other than the state of the employee's primary work location.

(E) Time and Attendance System —The term “time and attendance system” means a system in which—

1. The employee is required on a contemporaneous basis to record his or her work location for every day worked outside of the employee's primary work location; and

2. The system is designed to allow the employer to allocate the employee's wages for income tax purposes among all taxing jurisdictions in which the employee performs services for wages for such employer.

(F) Wages—The term “wages” as used in this rule has the same meaning as supplied by section 143.191.2, RSMo.

(G) Declaration Date—The term “declaration date” means the date upon which the United States Government declared a “Federally declared disaster” as defined in 26 USC section 165(i)(5)(A) with respect to the COVID-19 pandemic, specifically, March 13, 2020.

(H) COVID-19 Relief Period—The term “COVID-19 relief period” means the period of time beginning on the date upon which the United States Government declared a “Federally declared disaster” as defined in 26 USC section 165(i)(5)(A) with respect to the COVID-19 pandemic (March 13, 2020) and ending on December 31, 2020.

(2) For services performed by an employee after the declaration date and prior to the earlier of the time at which an employer began withholding based on a time and attendance system for such employee or the end of the COVID-19 relief period, each employer may elect to withhold income tax from wages paid to such employee as if such wages were earned from work performed at the employee's primary work location, despite such employee working from a temporary work location during the COVID-19 relief period.

(A) This rule shall only apply to:

1. Employers that did not maintain a time and attendance system for all employees on or before the declaration date, and only where such employer is:

A. An employer having a primary work location in Missouri with employees working from temporary work locations in states other than Missouri; or

B. An employer having a primary work location in a state other than Missouri with employees working from temporary work locations in Missouri.

(3) Affidavit Required—Each employer who elects to withhold and remit tax based on the primary work location of its employees under section (2) of this rule shall submit an affidavit notifying the Department of Revenue on or before January 31, 2021, of the following:

(A) The employer did not have a time and attendance system in place for all employees as of the declaration date;

(B) The employer did not have a time and attendance system in place to identify the locations at which employees performed services during the COVID-19 relief period prior to the implementation of a time and attendance system, if an employer implemented a time and attendance system during the COVID-19 relief period;

(C) The employer will issue forms W-2 to employees consistent with the primary work location of each employee for all or part of the COVID-19 relief period during which an employee was not covered by a time and attendance system; and

(D) The employer will issue communication notifying impacted employees of the employer's election made pursuant to section (2) of this regulation no later than five (5) business days after submission of the affidavit contemplated by this section.

(4) Examples:

(A) Employer maintains a primary work location for its employees in Missouri. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, but implemented one on November 1, 2020. Employer had employees working from temporary work locations in other states. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will withhold Missouri income tax from wages paid to employees working from temporary work locations from March 13, 2020, through November 1, 2020.

(B) Employer maintains a primary work location for its employees in Missouri. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, and has not implemented one during the COVID-19 relief period. Employer had employees working from temporary work locations in other states. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will withhold Missouri income tax from wages paid to employees working from temporary work locations from March 13, 2020, through December 31, 2020.

(C) Employer maintains a primary work location for its employees in Kansas. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, but implemented one on November 1, 2020. Employer had employees working from temporary work locations in Missouri. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will

withhold Kansas income tax from wages paid to employees working from temporary work locations in Missouri from March 13, 2020, through November 1, 2020. Employer is not required to withhold or remit Missouri income tax from the employees working from temporary work locations in Missouri.

(D) Employer maintains a primary work location for its employees in Kansas. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, and has not implemented one during the COVID-19 relief period. Employer had employees working from temporary work locations in Missouri. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will withhold Kansas income tax from wages paid to employees working from temporary work locations from March 13, 2020, through December 31, 2020. Employer is not required to withhold or remit Missouri income tax from the employees working from temporary work locations in Missouri.

(E) Employer had a time and attendance system in place at the beginning of the COVID-19 relief period. Employer is ineligible to elect to withhold on the basis of the employer's primary work location, and instead withholds on the basis of the location where its employees actually performed services for wages for the employer as recorded by the time and attendance system.

(5) Nothing in this rule shall be interpreted as affecting in any way the income tax liability of any resident or nonresident within the meaning of chapter 143, RSMo, nor shall this rule be interpreted as affecting in any way any liabilities arising from any municipal income or earnings tax imposed by any political subdivision of the state of Missouri.

AUTHORITY: sections 136.120, 143.191.3(1), 143.511, and 143.961, RSMo 2016. Emergency rule filed Jan. 6, 2021, effective Jan. 21, 2021, expires July 19, 2021. A proposed rule covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program
EMERGENCY AMENDMENT**

13 CSR 70-20.060 Professional Dispensing Fee. The department is amending the purpose statement, sections (1) and (2), and adding new sections (2) and (4).

PURPOSE: The purpose of this amendment is to update the amount of the professional dispensing fee reimbursable for the dispensing of MO HealthNet covered prescriptions by a pharmacy provider.

PURPOSE: The MO HealthNet Division establishes the amount of the fee reimbursable for the professional dispensing of each MO HealthNet covered prescription by a pharmacy provider, raises the current dispensing fee from three dollars (\$3) to four dollars eighty-four cents (\$4.84) and establishes a long-term care prescription fee add-on of fifteen cents (15¢).

EMERGENCY STATEMENT: This emergency amendment informs the public that the professional dispensing fee for pharmacy provider

claims will change on February 1, 2021. The professional dispensing fee compensates a pharmacy or pharmacist for costs associated with dispensing the prescription, in addition to the cost of the ingredients. The professional dispensing fee must be supported by a recent dispensing fee survey and approved by the Center for Medicare and Medicaid Services (CMS). The prior dispensing fee must be revised to reflect the recent dispensing fee survey and the current State Plan Amendment (SPA) the MO HealthNet Division submitted to CMS for its review and approval. This emergency amendment must be implemented urgently so that the MO HealthNet Division is in compliance with federal Medicaid legal requirements implemented through CMS. The MO HealthNet Division has a compelling government interest in paying the professional dispensing fee in accordance with the SPA submitted to CMS in order to meet federal funding participation requirements. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MO HealthNet Division believes that this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. This emergency amendment was filed January 13, 2021, becomes effective February 1, 2021, and expires July 30, 2021.

(1) **Between April 1, 2017 and January 31, 2021** [A/a professional dispensing fee [of four dollars eighty-four cents (\$4.84)] shall be added to the MO HealthNet maximum allowable payment for [each] MO HealthNet reimbursable prescriptions filled or refilled by a pharmacy provider as follows.

(A) Out-of-state pharmacy providers receive a professional dispensing fee of \$9.55.

(B) In-state pharmacy providers receive a professional dispensing fee of \$14.37.

(C) In-state pharmacy providers receive a preferred generic product incentive fee of \$5.00.

[(A)](D) The professional dispensing fees as provided in this rule shall not be included in the computation of the MO HealthNet maximum allowable drug payment for participant cost-sharing purposes.

(2) **Effective February 1, 2021**, a professional dispensing fee shall be added to the MO HealthNet maximum allowable payment for MO HealthNet reimbursable prescriptions filled or refilled by a pharmacy provider as follows.

(A) Out-of-state pharmacy providers receive a professional dispensing fee of \$8.85.

(B) In-state pharmacy providers receive a professional dispensing fee of \$12.22.

(C) The professional dispensing fee as provided in this rule shall not be added to prescriptions reimbursed at the usual and customary charge submitted by the provider.

(D) The professional dispensing fees as provided in this rule shall not be included in the computation of the MO HealthNet maximum allowable drug payment for participant cost-sharing purposes.

[(2)](3) **Effective April 1, 2017**, [A/all pharmacy providers supplying prescribed MO HealthNet covered drugs to participants in long-term care facilities shall receive an additional [fifteen cent (15¢)] fifty cent (50¢) dispensing fee per claim provided they—

(A) Dispense medication in a drug distribution system(s) which meets minimum standards of container packaging (at least class B as defined in United States Pharmacopeia XXI);

(B) Certify to the MO HealthNet Division, on a form, and in the manner prescribed by the division, that they—

1. Provide this dispensing service to their long-term care facility resident patients;

2. Provide emergency services twenty-four (24) hours a day with seven (7) days a week availability; and

3. Have **the** ability and willingness to assist in accessing medications through the MO HealthNet Exception Process; and

(C) Indicate, as prescribed by the MO HealthNet Division, on each claim that the prescription was provided in packaging qualifying for the dispensing fee add-on to a participant in a long-term care facility.

(4) A professional dispensing fee shall be added to maintenance medications no more frequently than once every twenty-five (25) days. "Maintenance medications" are defined as drugs that have a common indication for treatment of a chronic disease, and the therapeutic duration is expected to exceed one year. This is determined by a First DataBank drug code maintenance indicator of "1."

*AUTHORITY: sections 208.153, [and] 208.201, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Dec. 15, 1987, effective March 11, 1988. Amended: Filed Sept. 26, 2013, effective March 30, 2014. Emergency amendment filed Jan. 13, 2021, effective Feb. 1, 2021, expires July 30, 2021. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will cost private entities an estimate of twenty-five million, three hundred eight thousand, and nine hundred forty-three dollars (\$25,308,943) in the time the emergency is effective.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 20 – Pharmacy Programs

Rule Number and Name:	13 CSR 70-20.060 Professional Dispensing Fee
Type of Rulemaking:	Emergency Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3600	Enrolled MO HealthNet Pharmacy Providers	Estimated cost for February 1, 2021-July 30, 2021 change: \$25,308,943

III. WORKSHEET

Beginning 02/01/2021 the new base professional dispensing fee will be \$8.85. Pharmacy providers supplying covered drugs to participants in long-term care facilities will receive an additional \$.50 dispensing fee. The dispensing fee under the existing payment methodology is estimated to be \$86,187,527. It is anticipated the cost will be \$60,878,584 under the new methodology, resulting in an annual public savings.

The estimated cost to pharmacies for February 1, 2021 to July 30, 2021, will be \$25,308,943.

IV. ASSUMPTIONS

New dispensing fee amounts were applied to the FY 2020 claim data.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

EXECUTIVE ORDER 21-01

WHEREAS, the Citizens Advisory Committee on Corrections was established by Governor Bob Holden on April 1, 2003, by Executive Order 03-11; and

WHEREAS, the Citizens Advisory Committee on Corrections has fulfilled its objective and assisted in strengthening the Missouri Department of Corrections' grievance procedures; and

WHEREAS, the Missouri Department of Corrections has further enhanced its operating policies and procedures for contemporary issues and needs since the inception of the Citizens Advisory Committee on Corrections; and

WHEREAS, no appointments have been made to the Citizens Advisory Committee on Corrections since 2012; and

WHEREAS, Governor Bob Holden signed Executive Order 02-05 on March 19, 2002; and

WHEREAS, Executive Order 02-05 required the Department of Natural Resources, The Department of Economic Development, the Department of Agriculture, the Department of Health and Senior Services, and the Department of Conservation to ensure coordination between state agencies in the development of administrative rules; and

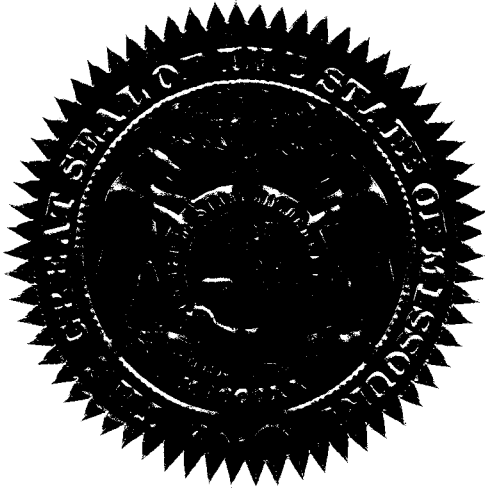
WHEREAS, that function is fulfilled through Section 536.175, RSMo and Executive Order 17-03, rendering the requirements of Executive Order 02-05 duplicative and unnecessary; and

WHEREAS, Executive Order 05-06 was signed by Governor Matt Blunt on January 24, 2005; and

WHEREAS, Executive Order 05-06 was intended to prevent offenders serving sentences within the Missouri Department of Corrections from playing video games with violent content; and

WHEREAS, the role and use of technology throughout the State of Missouri has changed significantly since 2005, and media players can be an effective tool to improve institutional and staff safety by providing offenders with constructive and educational activities, as well as enhance rehabilitative services by affording offenders additional educational and vocational opportunities:

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby order that Executive Order 03-11 and Executive Order 02-05 are hereby terminated, and order that Executive Order 05-06 remains in full-force and effect, but does not apply to media available on offender media players, where the content satisfies all departmental censorship requirements and does not negatively impact officer safety or institutional security.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of January, 2021.

A handwritten signature in black ink, appearing to read "Michael L. Parson", written over a horizontal line.

MICHAEL L. PARSON
GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written over a horizontal line.

JOHN R. ASHCROFT
SECRETARY OF STATE

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

PROPOSED AMENDMENT

5 CSR 20-400.620 Certification Requirements for Transition Administrator Certificate. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment will update the requirements to include the Missouri Leadership Developments System Micro-Credentials.

(1) An applicant for a Missouri Transition Administrator Certificate who possesses good moral character may be granted a Transition Administrator Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Transition Administrator Certificates:

(A) The Transition Administrator Certificate, valid for a period of six (6) years from the effective date on the certificate, will be issued upon completion and verification of the following:

1. For applicants seeking a Transition Administrator Certificate for *[either Career Education Director (Secondary/Adult); Elementary Principal (Grades K-8); Middle School Principal (Grades 5-9); Secondary Principal (Grades 7-12); or Special Education Director (Grades K-12)] School Leader (Grades K-12); Career and Technical Education Administrator (Grades 7-12); and Special Education Director (Grades K-12)—*

A. Four (4) years of administrator experience approved by the Missouri Department of Elementary and Secondary Education (department);

B. Participation in two (2) years of district-provided mentoring (during the first two (2) years of administrator experience);

C. The development, implementation, and completion of a professional development plan of at least one hundred twenty (120) contact hours of professional development based on standards and quality indicators as required by the State Board of Education (board), or eight (8) semester hours of graduate credit toward an advanced degree in educational leadership, reading/literacy, or curriculum/instruction, or a combination of credits/professional development, **or successful completion of three (3) department-approved micro-credentials based on the department's leadership development system;** and

D. Successful participation in an annual performance-based *[principal's] administrator* evaluation.

(2) The requirements of this rule shall become effective *[August 1, 2017] September 1, 2021.*

AUTHORITY: sections [168.011, 168.405, and 168. 409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168. 400, RSMo Supp. 2013] 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2020. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Jan. 14, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

PROPOSED AMENDMENT

5 CSR 20-400.630 Certification Requirements for Career Continuous Administrator Certificate. The State Board of Education (board) is amending sections (1) and (2).

PURPOSE: The proposed amendment will update the requirements to include the Missouri Leadership Development System Micro-Credentials.

(1) An applicant for a Missouri Career Continuous Administrator Certificate who possesses good moral character may be granted a Career Continuous Administrator Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Career Continuous Administrator Certificates:

(A) The Career Continuous Administrator Certificate for *[either Career Education Director (Secondary/Adult); Elementary Principal (Grades K-8); Middle School Principal (Grades 5-9); Secondary Principal (Grades 7-12); or Special Education Director (Grades K-12)] School Leader (Grades K-12), Career and Technical Education Administrator (Grades 7-12), or Special Education Director (Grades K-12)* will be issued upon completion and verification of the following:

1. Completion of an educational specialist degree or higher *[, or the equivalent thereof,]* from a **regionally accredited** college or university *[or another educational leadership program meeting the approval of the department]*. Such degree~~], or the equivalent thereof,~~ must be in educational leadership, reading/literacy, or curriculum/instruction **or successful completion of fifteen (15) Missouri Department of Elementary and Secondary Education (department) approved micro-credentials based on the department's leadership development system;**

2. Successful participation in an annual performance-based *[principal/ building level administrator]* evaluation;

3. Participation in thirty (30) contact hours of professional development annually; *[and]*

4. Four (4) years of administrator experience approved by the *[Missouri Department of Elementary and Secondary Education (department)]*; **and**

5. **Participation in two (2) years of district-provided mentoring (during the first two (2) years of administrator experience);**

(B) The holder of a Career Continuous Administrator Certificate for *[either Career Education Director (Secondary/Adult); Elementary Principal (Grades K-8); Middle School Principal (Grades 5-9); Secondary Principal (Grades 7-12); or Special Education Director (Grades K-12)] School Leader (Grades K-12), Career and Technical Education Administrator (Grades 7-12), or Special Education Director (Grades K-12)* is exempt from the thirty (30) contact hours of professional development if the holder has a local professional development plan in place with the school and meets at least two (2) of the following:

1. Ten (10) years of administrator experience approved by the department;

2. Completion of an educational specialist degree or higher~~], or the equivalent thereof,~~ from a **regionally accredited** college or university *[or another educational leadership program meeting the approval of the department]*. Such degree~~], or the equivalent thereof,~~ must be in educational leadership, reading/literacy, or curriculum/instruction; *[and/or]*

3. Certification from a nationally recognized professional administrator organization approved by the State Board of Education (board); **and/or**

4. **Completion of the department's Leadership Development System micro-credentials;**

(C) The Career Continuous Administrator Certificate for applicants seeking a Career Continuous Administrator Certificate for Superintendent (**Grades K-12**) will be issued upon completion and verification of the following:

1. Four (4) years of district-level administrator experience approved by the department;

2. Participation in one (1) year of district-provided mentoring (during the first year of superintendent experience);

3. The development, implementation, and completion of a pro-

fessional development plan of at least one hundred twenty (120) contact hours of professional development based on standards and quality indicators as required by the board, or eight (8) semester hours of graduate credit toward a doctorate degree in educational leadership, or a combination of credits/professional development; and

4. Successful participation in an annual performance-based evaluation;

(D) The Career Continuous Administrator Certificate for Superintendent (**Grades K-12**) will remain valid based upon verification by the employing school district that the certificate holder—

1. Participated in a performance-based evaluation; and

2. Completed thirty (30) contact hours of professional development, or two (2) semester hours of graduate credit toward a doctorate degree in educational leadership, or a combination of professional development and graduate credit each year; and

(E) The holder of a Career Continuous Administrator Certificate for Superintendent (**Grades K-12**) is exempt from the thirty (30) contact hours of annual professional development if the holder has a local professional development plan in place with the school and meets *[at least two (2) of]* the following:

1. Ten (10) years of **district level** administrator experience approved by the department;

2. A doctorate degree in educational leadership from a regionally accredited college or university; *and/or]*

3. Certification from a nationally recognized professional administrator organization approved by the board.

(2) The requirements of this rule shall become effective *[August 1, 2017] September 1, 2021*.

AUTHORITY: sections [168.011, 168.405, and 168. 409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168. 400, RSMo Supp. 2013] 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2020. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Jan. 14, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Financial and Administrative
Services
Chapter 660—School Finance**

PROPOSED RESCISSION

5 CSR 30-660.085 Attendance Hour Reporting. This rule established policies and standards for local education agencies (LEAs) for maintaining attendance hour records in accordance with Chapter 163, RSMo.

PURPOSE: This rule is being rescinded due to a reduced need for special attendance accommodations in response to the COVID-19 pandemic.

AUTHORITY: section 161.092, RSMo 2016, and sections 163.021 and 171.031, RSMo Supp. 2020. Emergency rule filed July 15, 2020, effective Aug. 1, 2020, expired Feb. 25, 2021. Original rule filed July 15, 2020, effective Jan. 30, 2021. Rescinded: Filed Jan. 13, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, ATTN: Kari Monsees, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480, or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 8—Design Guides

PROPOSED AMENDMENT

10 CSR 20-8.300 Design of Concentrated Animal Feeding Operation. The Department of Natural Resources is adding a new section (2) and renumbering as necessary.

PURPOSE: This proposed amendment corrects an inadvertent deletion of definitions relevant to the design standards of wastewater management and containment structures for concentrated animal feeding operations.

(2) Definitions.

(A) Definitions as set forth in the Missouri Clean Water Law, Chapter 644, Concentrated Animal Feeding Operation (Hog Bill) section 640.703, RSMo, 10 CSR 20-2.010, and 10 CSR 20-6.300 shall apply to the terms in this rule unless otherwise defined by subsection (2)(B) below.

(B) Other applicable definitions are as follows:

1. **Design storage period**—The calculated number of days that will fill the manure storage structure from the lower to the upper operating level for a covered storage structure or from the lower to the upper operating level for an uncovered, liquid storage structure during a period of average rainfall minus evaporation (R-E).

A. For a design storage period of fewer than three hundred sixty-five (365) days, the largest consecutive average monthly R-E, corresponding with the number of months of the storage period, shall be used.

B. For multiple storage stages, the storage period is the sum of available storage days in each stage.

C. For covered liquid manure storage structures, the upper operating level is one foot (1') below the top of the structure;

2. **Freeboard**—The elevation difference between the bottom of the spillway to the top of the berm for an earthen basin;

3. **Groundwater table**—The seasonal high water level occurring beneath the surface of the ground, including underground watercourses, artesian basins, underground reservoirs and lakes,

aquifers, other bodies of water located below the surface of the ground, and water in the saturated zone. For the purposes of this rule, groundwater table does not include the perched water table;

4. **Manure**—The fecal and urinary excretion of animals;

5. **Manure storage structure**—A fabricated structure or earthen basin used to store manure, litter, and/or process wastewater;

6. **Rainfall minus evaporation (R-E)**—The average depth of monthly liquid precipitation minus evaporation as published in the most recent National Weather Service Climate Atlas for the geographical region of the proposed structure;

7. **Safety depth**—One foot (1') of liquid depth or the depth needed to hold the volume of the ten- (10-) year, ten- (10-) day storm, whichever is greater;

8. **Solid manure**—Manure that can be stacked without free flowing liquids;

9. **Safety volume**—The volume of wastewater stored between the upper pumpdown and emergency spillway crest;

10. **Storage lagoon**—A lagoon that does not have adequate volume to accomplish treatment;

11. **Storage volume**—The volume of manure, runoff, washwater, rainfall, and additional water sources between the lower and upper operating levels;

12. **Ten- (10-) year, ten- (10-) day storm**—The depth of rainfall occurring in a ten- (10-) day duration over a ten- (10-) year return frequency as defined by the most recent publication of the National Weather Service Climate Atlas for the geographical region of the proposed manure storage structure;

13. **Total storage capacity**—The combined volume of storage and safety volumes stored between the lower pumpdown level and emergency spillway crest;

14. **Treatment volume**—The permanent volume maintained below the lower pumpdown designed for anaerobic treatment of manure based on latitude;

15. **Waste treatment lagoon**—A lagoon that is sized to have three hundred sixty-five (365) days of storage volume and adequate treatment volume;

16. **Wastewater**—A combination of manure, washwater, runoff, rainfall, and process wastewater; and

17. **Wastewater flow**—The annual rate of wastewater contributed to an animal waste management system.

[[2]](3) **Permit Application Documents.** All engineering documents shall be prepared by, or under the direct supervision of, a registered professional engineer licensed to practice in Missouri.

[[3]](4) **Location.**

(A) **Protection from Flooding**—Manure storage structures, confinement buildings, open lots, composting pads, and other manure storage areas in the production area shall be protected from inundation or damage due to the one hundred- (100-) year flood.

(B) The minimum setback distances from manure storage structures, manure storage areas, confinement buildings, open lots, or mortality composters shall be as follows:

1. Ten feet (10') to public water supply pipelines;

2. Fifty feet (50') to property lines;

3. Fifty feet (50') to public roads;

4. One hundred feet (100') to wetlands, ponds, or lakes not used for human water supply;

5. One hundred feet (100') to gaining streams (classified or unclassified; perennial or intermittent);

6. Three hundred feet (300') to human water supply lakes or impoundments; and

7. Three hundred feet (300') to losing streams (classified or unclassified; perennial or intermittent) and sinkholes.

(C) Distances from earthen basins shall be measured from the outside edge of the top of the berm.

[(4)](5) Manure Storage Structure Sizing.

(A) No Discharge Requirement. All manure storage structures shall comply with the design standards and effluent limitations of 10 CSR 20-6.300(4).

(B) Design Storage Period. The minimum design storage period for manure storage structures shall be as follows:

1. The minimum design storage period for liquid manure, solid manure, and dry process waste to be land applied is one hundred eighty (180) days;

2. The minimum design storage period for solid manure and dry process waste to be sold or used as bedding is ninety (90) days; and

3. The minimum design storage period for waste treatment lagoons without an impermeable cover is three hundred sixty-five (365) days.

(C) New Class I swine, veal, or poultry operations shall evaluate proposed uncovered manure storage structures in accordance with applicable federal regulation as set forth in 40 CFR 412.46(a)(1), November 20, 2008, and shall hereby be incorporated by reference, without any later amendments or additions, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954.

(D) Sizing Manure Storage Structures.

1. The structure shall be designed to hold all inputs, between the upper and lower operating levels, anticipated during the design storage period.

2. Uncovered liquid storage structures shall also include:

A. One in ten (1-in-10) year rainfall minus evaporation from the surface of the structure, held between the operating levels; and

B. Safety volume based on the twenty-five (25) year, twenty-four (24) hour storm event above the upper operating level.

3. Tanks and pits shall also include six inches (6") of depth below the lower operating level for incomplete removal allowance.

4. Earthen basins shall also include:

A. At least one foot (1') of freeboard or two feet (2') for structures that receive storm water from open lots larger than the surface area of the storage structure;

B. Two feet (2') of permanent liquid depth below the lower operating level. Anaerobic treatment volume greater than two feet (2') will satisfy this requirement;

C. Sludge accumulation volume; and

D. Treatment volume below the lower operating level for anaerobic treatment lagoons.

[(5)](6) Construction of Earthen basins.

(A) Geohydrologic Evaluation. A geohydrologic evaluation of the proposed earthen basin prepared by the Missouri Geological Survey shall be submitted to the department. If the geohydrologic evaluation gives a severe rating for collapse potential, an earthen basin shall not be used.

(B) Detailed Soils Investigation. A detailed soils investigation is required to substantiate feasibility and to determine the quantity and quality of soil materials on-site and from a borrow area for use in the basin and/or liner. The following information, in whole or in part, is required:

[A.]1. Atterburg limits;

[B.]2. Standard proctor density (moisture/density relationships);

[C.]3. Coefficient of permeability (undisturbed and remolded);

[D.]4. Depth to bedrock;

[E.]5. Particle size analysis; and

[F.]6. Depth to groundwater table.

(C) Shape and Location.

1. The shape of all cells shall be such that there are no narrow or elongated portions or islands, peninsulas, or coves.

2. The floor of the structure shall be a consistent elevation with finished elevations not be more than three inches (3") above or below the average elevation of the floor.

3. The floor of the basin shall be at least four feet (4') above the groundwater table or the water table as modified by subsurface drainage and at least two feet (2') above bedrock.

(D) Outer berm slopes shall not be steeper than three to one (3:1), horizontal to vertical, and inner slopes not be flatter than four to one (4:1) or steeper than three to one (3:1) for uncovered lagoons or two and one-half to one (2.5:1) for covered lagoons.

(E) Berm Construction and Width. Construction specifications shall include the following:

1. Compact soil used in constructing the basin floor (not including clay liner) and berm cores to between two percent (2%) below and four percent (4%) above the optimum water content and to at least ninety percent (90%) standard proctor density;

2. Use lifts for berm construction not exceeding twelve inches (12") with a maximum rock size not exceeding one-half (1/2) the thickness of the compacted lift; and

3. Construct the top width of the berm a minimum of eight feet (8') for fill heights from fifteen to twenty feet (15'-20'), use minimum top widths of ten feet (10') and for fill heights from twenty to twenty-five feet (20'-25'), use minimum top widths of twelve feet (12').

(F) Emergency Spillway. To prevent overtopping and cutting of berms, an emergency overflow shall be provided that—

1. Has a minimum bottom width of ten feet (10') and a minimum depth of one foot (1'); and

2. Is compacted and vegetated or otherwise constructed to prevent erosion due to possible flow.

(G) Compacted Clay Liner.

1. Liner construction. Compacted clay liners shall be constructed to—

A. Be scarified and compacted to between two percent (2%) below and four percent (4%) above the optimum water content and to at least ninety percent (90%) standard proctor density.

B. Be raised in lifts not exceeding six inches (6") with a maximum rock size not exceeding one-half (1/2) the thickness of the compacted lift.

C. Be maintained at or above the optimum water content until the basin is prefilled with water.

D. Have a minimum thickness of twelve inches (12").

2. Permeability. All earthen basins shall be sealed so that seepage loss through the seal is minimized and to meet the following specifications:

A. Cover the floor and extend up the inner slope to where the side slope intersects with the top of the berm.

B. Have a design permeability of the basin seal not exceeding 1.0×10^{-7} centimeter per second (cm/sec). For soils which have a coefficient of permeability greater than 1.0×10^{-7} (cm/sec), unusual depth, or potable ground water contamination potential, liner thickness of more than twelve inches (12") may be required. The following equation shall be used to determine minimum seal thickness:

$$t = (H \times K) / 5.4 \times 10^{-7} \text{ cm/sec}$$

where

K = permeability coefficient of the soil in question;

H = head (maximum water level depth) of water in the basin; and

t = thickness of the soil seal.

(H) Protection of Berms. Rip-rap or some other acceptable method of erosion control is required as a minimum around all piping entrances and exits, for aerated cell(s), on the slopes and floor in the areas where turbulence will occur, and for protection from wave action for basins with a surface area greater than five (5) acres.

(I) If alternative liners are used, permeability, durability, and integrity of the proposed materials must be satisfactorily demonstrated for anticipated conditions.

(J) Depth Gauges. A permanent depth measurement gauge or marker shall be installed and maintained in the basin that is easily readable at one-foot (1') or smaller increments and clearly displayed

lower, upper, and emergency spillway levels.

(K) Piping. Fill around pipes installed through embankments shall be compacted to prevent seepage and pressurized piping must be valved. Valves are not required on gravity piping into the lagoon.

(L) Safety. Consideration shall be given for safety in using open storage structures including the use of prevention and recovery components.

(M) Operation and Maintenance. An operation and maintenance plan is required addressing the major components of the concentrated animal feeding operation system.

[(6)](7) Construction of Tanks and Pits. Construction of tanks and pits shall meet the following requirements:

(A) Soils and Foundation. A thorough site investigation shall be made to determine the physical characteristics and suitability of the soil and foundation for the fabricated storage structure. Position the floor of the below-ground storage tanks two feet (2') above the groundwater table;

(B) Allow one foot (1') of depth at the top of covered structures for agitation and/or ventilation;

(C) Include a permanent depth measurement gauge or marker that is easily readable at one-foot (1') or smaller increments for uncovered tanks and pits;

(D) Use perimeter tiling and granular backfill for below-ground pits;

(E) Locate tank and pit footings at or below the maximum frost depth;

(F) Design concrete and steel features according to published guidelines; and

(G) Design and construct tanks and pits to be watertight.

[(7)](8) Construction of Solid Manure Components. The following requirements shall be met when constructing poultry buildings, open lots, stacking pads, stacksheds, and other similar structures:

(A) Divert surface water away from animal confinement areas and buildings;

(B) Floors and Pads. Construct the base of covered and uncovered lots, poultry buildings, and other solid manure storage areas of concrete or other rigid, essentially watertight materials or from a firm, compacted, earthen base of Unified Soil Classification System (USCS) class CH, MH, CL, GC, or SC soils a minimum of two feet (2') above the groundwater table and be at least two feet (2') above bedrock;

(C) Uncovered solids storage areas must also meet the following:

1. Have an overall slope between two percent (2%) and four percent (4%) for unpaved lots;

2. Be maintained in a way that prevents ponding; and

3. Have a runoff collection structure that meets the requirements of this rule.

[(8)](9) Design and Construction of Pipelines, Pump Stations, and Land Application Systems.

(A) General. Design of pipelines shall be based on the following requirements:

1. Ensure the storage/treatment facilities can be emptied within the time limits stated in the nutrient management plan;

2. Convey the required flow without plugging, based on the type of material and total solids content;

3. Install at a depth sufficient to protect against freezing;

4. Install with appropriate connection devices to prevent contamination of private or public water supply distribution systems and groundwater;

5. Size pumps to transfer material at the required system head and volume;

6. Install a minimum of three feet (3') below the natural stream floor and as nearly perpendicular to the stream flow as possible;

7. Encase when buried under public roads; and

8. Separation from potable water lines. Pipelines shall be locat-

ed at least ten feet (10') horizontally from and at least eighteen inches (18") below the base of any potable water line.

9. Aerial pipeline crossings of streams shall:

A. Provide support for all joints in pipes utilized in the crossing;

B. Protect from the impact of flood waters and debris; and

C. Be constructed so that they will remain watertight and free from changes in alignment or grade.

(B) Gravity Pipelines. Design of pipelines shall be based on the following requirements:

1. Use a minimum slope of one percent (1%) for four inch (4") pipe, six-tenths percent (0.6%) for six inch (6") pipe, and four-tenths percent (0.4%) for eight inch (8") pipe;

2. Design with clean-outs at a maximum interval of three hundred feet (300') and with maximum horizontal curves of ten (10) degrees at pipe joints; and

3. Design gravity discharge pipes used for emptying a storage/treatment structure with a minimum of two (2) valves in series.

(C) Force Mains and Pressure Pipes. Design velocities shall be between three (3) and six (6) feet per second.

(D) Testing. Hydro-pressure tests shall be made only after the completion of backfilling operations and for a minimum of one (1) hour using a minimum test pressure of the maximum system operating pressure.

(E) Pump Stations.

1. Water supply protection. Manure pump stations shall not be connected to a potable water supply and shall be located at least three hundred feet (300') from any potable water supply well.

2. Alarm systems. Alarm systems are required for pumping stations that are activated in cases of power failure, pump failure, or any cause of high water in the wet well.

(F) Land Application Systems. Land application systems shall be designed with:

1. Spray application equipment specified that minimizes the formation of aerosols;

2. The pumping system and distribution system sized for the flow and operating pressure requirements of the distribution equipment and the application restrictions of the soils and topography;

3. Provisions for draining the pipes to prevent freezing, if pipes are located above the frost line;

4. A suitable structure provided for either a portable pumping unit or a permanent pump installation, the intake to the pumping system providing the capability for varying the withdrawal depth, the intake elevation maintained twelve to twenty-four inches (12"-24") below the liquid elevation, the intake screened so as to minimize clogging of the sprinkler nozzle or distribution system orifices, and, for use of a portable pump, a stable platform and flexible intake line with flotation device to control depth of intake;

5. Thrust blocking of pressure pipes; and

6. An automatic pump or engine shut-offs in case of pressure drop.

[(9)](10) General System Details.

(A) Mechanical Equipment. Mechanical equipment shall be used and installed in accordance with manufacturers' recommendations and specifications and major mechanical units installed under the supervision of the manufacturer's representative.

(B) Potable Water Supply Protection. No piping or other connections shall exist in any part of the concentrated animal feeding operation system, which under any conditions, might cause the contamination of a potable water supply.

[(10)](11) Mortality Management. Class I operations shall not use burial as a permanent mortality management method to dispose of routine mortalities.

AUTHORITY: sections 640.710 and 644.026, RSMo 2016. Original

rule filed July 14, 2011, effective April 30, 2012. Amended: Filed Jan. 26, 2016, effective Oct. 30, 2016. Amended: Filed June 15, 2018, effective Feb. 28, 2019. Emergency amendment filed Dec. 8, 2020, effective Dec. 22, 2020, expires June 19, 2021. Amended: Filed Jan. 8, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Cindy LePage, PO Box 176, Jefferson City, MO 65102. Comments may also be sent with name and address through e-mail to cindy.lepage@dnr.mo.gov or online <https://dnr.mo.gov/proposed-rules/welcome.action#OPEN>. To be considered, comments must be received no later than March 25, 2021. The public hearing is scheduled to be held virtually on March 18, 2021, beginning at 9 a.m. Meeting number (access code): 177 331 4014, meeting password: DNR. Call-in number toll number (US/Canada): 1-650-479-3207. To join from a video system or application: dial 1773314014@stateofmo.webex.com.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 16—Peace Officer Standards and
Training Commission Fund**

PROPOSED AMENDMENT

11 CSR 75-16.010 Peace Officer Standards and Training Commission Fund. The director is amending paragraph (2)(D)2. by modifying the percentage of funds to be disbursed to certain counties and municipalities.

PURPOSE: This amendment modifies the percentage of fund distribution to counties and municipalities that contribute more than five hundred dollars (\$500) to the fund from a fixed ninety percent (90%) to a variable percentage to be determined by the Director of Public Safety based upon the amount of residual funds available.

(2) The [D]director shall distribute monies from the POST Fund to participating counties and municipalities as follows:

(D) All participants who contributed more than five hundred dollars (\$500) shall receive a distribution as follows:

1. The participant's CONTRIBUTION FACTOR shall be calculated, which shall equal the participant's contribution divided by total contributions;

2. The participant's BASE DISTRIBUTION shall be calculated, which shall equal [ninety percent (90%)] a percentage of the participant's contribution to be determined by the director based upon available funds;

3. An OVERALL RESIDUAL shall be calculated, which shall equal total contributions, less the total of five hundred dollar (\$500) payments pursuant to subsection (2)(C) of this rule, less the total of base distributions pursuant to paragraph (2)(D)2. of this rule, plus accrued interest on total contributions, less a reserve amount to be determined by the director;

4. The participant's RESIDUAL ADJUSTMENT shall be calculated, which shall equal the OVERALL RESIDUAL multiplied by the participant's CONTRIBUTION FACTOR; and

5. The participant's actual distribution shall equal the participant's BASE DISTRIBUTION plus the participant's RESIDUAL ADJUSTMENT.

AUTHORITY: sections 590.178 and 590.190, RSMo 2016. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed Jan. 15, 2004, effective July 30, 2004. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed March 8, 2019, effective Sept. 30, 2019. Amended: Filed Jan. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

PROPOSED RULE

12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Location

PURPOSE: This rule modifies the manner in which the amounts required to be withheld by certain employers for employees performing services for wages from a temporary work location are calculated during a defined period.

(1) Definitions.

(A) Employer—The term "employer" as used in this rule has the same meaning as supplied by 12 CSR 10-2.015(2).

(B) Employee—The term "employee" as used in this rule has the same meaning as supplied by 12 CSR 10-2.015(6).

(C) Primary Work Location—The term "primary work location" means the address of the employer where the employee was regularly assigned to work immediately preceding the declaration date.

(D) Temporary Work Location—The term "temporary work location" means a location where the employee worked during the COVID-19 relief period that was in a state other than the state of the employee's primary work location.

(E) Time and Attendance System—The term "time and attendance system" means a system in which—

1. The employee is required on a contemporaneous basis to record his or her work location for every day worked outside of the employee's primary work location; and

2. The system is designed to allow the employer to allocate the employee's wages for income tax purposes among all taxing jurisdictions in which the employee performs services for wages for such employer.

(F) Wages—The term "wages" as used in this rule has the same meaning as supplied by section 143.191.2, RSMo.

(G) Declaration Date—The term "declaration date" means the date upon which the United States Government declared a "Federally declared disaster" as defined in 26 USC section 165(i)(5)(A) with respect to the COVID-19 pandemic, specifically, March 13, 2020.

(H) COVID-19 Relief Period—The term "COVID-19 relief period"

means the period of time beginning on the date upon which the United States Government declared a “Federally declared disaster” as defined in 26 USC section 165(i)(5)(A) with respect to the COVID-19 pandemic (March 13, 2020) and ending on December 31, 2020.

(2) For services performed by an employee after the declaration date and prior to the earlier of the time at which an employer began withholding based on a time and attendance system for such employee or the end of the COVID-19 relief period, each employer may elect to withhold income tax from wages paid to such employee as if such wages were earned from work performed at the employee’s primary work location, despite such employee working from a temporary work location during the COVID-19 relief period.

(A) This rule shall only apply to—

1. Employers that did not maintain a time and attendance system for all employees on or before the declaration date, and only where such employer is—

A. An employer having a primary work location in Missouri with employees working from temporary work locations in states other than Missouri; or

B. An employer having a primary work location in a state other than Missouri with employees working from temporary work locations in Missouri.

(3) Affidavit Required—Each employer who elects to withhold and remit tax based on the primary work location of its employees under section (2) of this rule shall submit an affidavit notifying the Department of Revenue on or before January 31, 2021, of the following:

(A) The employer did not have a time and attendance system in place for all employees as of the declaration date;

(B) The employer did not have a time and attendance system in place to identify the locations at which employees performed services during the COVID-19 relief period prior to the implementation of a time and attendance system, if an employer implemented a time and attendance system during the COVID-19 relief period;

(C) The employer will issue forms W-2 to employees consistent with the primary work location of each employee for all or part of the COVID-19 relief period during which an employee was not covered by a time and attendance system; and

(D) The employer will issue communication notifying impacted employees of the employer’s election made pursuant to section (2) of this regulation no later than five (5) business days after submission of the affidavit contemplated by this section.

(4) Examples.

(A) Employer maintains a primary work location for its employees in Missouri. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, but implemented one on November 1, 2020. Employer had employees working from temporary work locations in other states. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will withhold Missouri income tax from wages paid to employees working from temporary work locations from March 13, 2020, through November 1, 2020.

(B) Employer maintains a primary work location for its employees in Missouri. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, and has not implemented one during the COVID-19 relief period. Employer had employees working from temporary work locations in other states. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will withhold Missouri income tax from wages paid to employees working from temporary work locations from March 13, 2020, through December 31, 2020.

(C) Employer maintains a primary work location for its employees

in Kansas. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, but implemented one on November 1, 2020. Employer had employees working from temporary work locations in Missouri. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will withhold Kansas income tax from wages paid to employees working from temporary work locations in Missouri from March 13, 2020, through November 1, 2020. Employer is not required to withhold or remit Missouri income tax from the employees working from temporary work locations in Missouri.

(D) Employer maintains a primary work location for its employees in Kansas. Employer did not have a time and attendance system in place at the beginning of the COVID-19 relief period, and has not implemented one during the COVID-19 relief period. Employer had employees working from temporary work locations in Missouri. Under section (2), employer elects to withhold wages as if the employees were working at the primary work location. As a result, employer will withhold Kansas income tax from wages paid to employees working from temporary work locations from March 13, 2020, through December 31, 2020. Employer is not required to withhold or remit Missouri income tax from the employees working from temporary work locations in Missouri.

(E) Employer had a time and attendance system in place at the beginning of the COVID-19 relief period. Employer is ineligible to elect to withhold on the basis of the employer’s primary work location, and instead withholds on the basis of the location where its employees actually performed services for wages for the employer as recorded by the time and attendance system.

(5) Nothing in this rule shall be interpreted as affecting in any way the income tax liability of any resident or nonresident within the meaning of Chapter 143, RSMo, nor shall this rule be interpreted as affecting in any way any liabilities arising from any municipal income or earnings tax imposed by any political subdivision of the state of Missouri.

AUTHORITY: sections 136.120, 143.191.3(1), 143.511, and 143.961, RSMo 2016. Emergency rule filed Jan. 6, 2021, effective Jan. 21, 2021, expires July 19, 2021. Original rule filed Jan. 11, 2021.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities an estimated one hundred eighty-five thousand dollars (\$185,000) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Revenue
Division Title: Director of Revenue
Chapter Title: Income Tax**

Rule Number and Name:	12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Location
Type of Rulemaking:	PROPOSED RULE

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	Less than \$500

III. WORKSHEET

IV. ASSUMPTIONS

The Department of Revenue assumes an unknown number of employers will file Affidavits with the Department. The Department will scan those documents and make them available to our staff. Systematic queries of tax returns may be completed based on the submission of the Affidavits.

The work to scan and complete queries is not beyond normal daily activities of the staff involved and would not result in additional funding needs.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Revenue**
Division Title: Director of Revenue
Chapter Title: Income Tax

Rule Number and Title:	12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Location
Type of Rulemaking:	EMERGENCY RULE

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
500	Businesses who employ individual working remotely	\$185,000

III. WORKSHEET

500 businesses multiplied by \$370 median hourly rate for attorneys equals \$185,000

IV. ASSUMPTIONS

The rule requires employers who had employees working remotely, but continued withhold tax based on their employees primary work locations, to file an Affidavit with the Department of Revenue. In addition, they are required to provide communication to those employees impacted.

The Department estimates no more than 500 business that would take advantage of this rule.

The Department assumes it will take 1 hour or less to complete the Affidavit. Based on a report published in 2019 by Missouri Lawyers Media, the median hourly rate for Missouri attorneys is \$370. The Department believes \$370 is the maximum it would cost to complete the document, as we will post a document on our website that may be used as the Affidavit. In most instances, this affidavit will not need to be completed by an attorney.

In addition to the completion of the Affidavit, the employers are required to notify impacted employees. The cost of this notification should be minimal. The Department assumes most employers will send an email notification to their employees.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance

PROPOSED AMENDMENT

13 CSR 40-2.015 Authorized Representatives. The division is amending subsection (2)(D) and adding section (19).

PURPOSE: This amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute “MO HealthNet programs” for purposes of this rule. The AEG was created by Amendment 2, which was passed by referendum on August 4, 2020, and which created Article IV, Section 36(c) of the Missouri Constitution, which requires the department to extend MO HealthNet coverage to Missourians ages 19-64 whose income is below 133% of the federal poverty level. This amendment also incorporates three (3) federal regulations and one subpart of the Code of Federal Regulations (CFR). First, the rule governing authorized representatives (42 CFR 435.923). Second, the rule governing the privacy and security of personally identifiable information (45 CFR 155.260), which authorized representatives must honor. Third, the rule governing the entities who may receive a reassigned claim from a Medicaid provider (42 CFR 447.10). Finally, the amendment incorporates the subpart in federal rules – 42 CFR 431 Subpart F - on safeguarding information on Medicaid participants. Authorized representatives must agree to adhere to these rules as a condition of their representation.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) For purposes of this rule, the following terms shall mean:

(D) “MO HealthNet programs” shall mean the MO HealthNet benefits provided to participants under the MO HealthNet programs including, but not limited to, MO HealthNet for the Aged, Blind, and Disabled (MHABD) program, MO HealthNet for Families (MHF) program, **the Adult Expansion Group (AEG) pursuant to Article IV Section 39(c) of the Missouri Constitution**, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Woman’s Health Services (UWHS) program. MO HealthNet programs also include presumptive eligibility for any of the above programs; and

(19) This rule hereby incorporates by reference the provisions and definitions from the *Code of Federal Regulations* (CFR), 42 CFR 435.923, 45 CFR 155.260, 42 CFR 447.10, and 42 CFR 431 Subpart F, which are incorporated by reference and made a part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/content/pkg/CFR-2019-title34-vol2/pdf/CFR-2019-title34-vol2-subtitleB-chapIII.pdf>, October 1, 2019. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 207.010, 207.022, 208.991, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed June 30, 2015, effective Dec. 30, 2015. Amended: Filed Jan. 5, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The overall implementation of Article IV, Section

36(c) of the *Missouri Constitution*, pursuant to which the division is amending this regulation, is estimated to cost 2.71 billion dollars (\$2,710,000,000), which includes 258.5 million dollars (\$258,000,000) in state funding and 2.45 billion dollars (\$2,450,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Legal Services-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to rules.comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13–Social Services
Division Title: Division 40–Family Support Division
Chapter Title: Chapter 2–Income Maintenance

Rule Number and Name:	13 CSR 40-2.015 Authorized Representatives
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services Department of Mental Health	\$0

III. WORKSHEET

The purpose of this proposed amendment is to comply with Amendment 2, the ratification of which created Section 36(c) of Article IV of the Missouri Constitution. Effective July 1, 2021, the Department of Social Services (DSS) shall extend MO HealthNet (Medicaid) coverage to persons age 19-64 with income under 133% of the federal poverty level. This proposed amendment includes this group known as the Adult Expansion Group (AEG) in the definition of Family MO HealthNet programs.

The proposed regulation change will not have a fiscal impact. Overall implementation costs of Amendment 2 that modifies Section 36(c) of Article IV of the Missouri Constitution is estimated to cost \$2.71 billion total (\$258.5 million state share / \$2.45 billion federal) annually.

IV. ASSUMPTIONS

N/A

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare**

PROPOSED AMENDMENT

13 CSR 40-7.010 Scope and Definitions. The division is amending subsection (1)(K).

PURPOSE: This proposed amendment adds the Adult Expansion Group to the list of populations that fall under Family MO HealthNet programs, pursuant to Amendment 2, which was ratified on August 4, 2020, and which created Article IV, Section 36(c) of the Missouri Constitution.

(1) Definitions.

(K) “Family Mo HealthNet programs” means MO HealthNet benefits provided to participants under the MO HealthNet for Families (MHF) program, **the Adult Expansion Group (AEG) pursuant to Article IV, Section 36(c) of the Missouri Constitution**, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Woman’s Health Services (UWHS) program. Family MO HealthNet programs also include presumptive eligibility for any of the above programs.

AUTHORITY: sections 207.022 and 660.017, RSMo 2016. Original rule filed July 31, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2018, effective May 30, 2019. Amended: Filed Jan. 5, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The overall implementation of Article IV, Section 36(c) of the Missouri Constitution, pursuant to which the division is amending this regulation, is estimated to cost 2.71 billion dollars (\$2,710,000,000), which includes 258.5 million dollars (\$258,000,000) in state funding and 2.45 billion dollars (\$2,450,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Legal Services-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to rules.comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13–Social Services
Division Title: Division 40–Family Support Division
Chapter Title: Chapter 7–Family Healthcare

Rule Number and Name:	13 CSR 40-7.010 Scope and Definitions
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services Department of Mental Health	\$0

III. WORKSHEET

The purpose of this proposed amendment is to comply with Amendment 2, the ratification of which created Section 36(c) of Article IV of the Missouri Constitution. Effective July 1, 2021, the Department of Social Services (DSS) shall extend MO HealthNet (Medicaid) coverage to persons age 19-64 with income under 133% of the federal poverty level. This proposed amendment includes this group known as the Adult Expansion Group (AEG) in the definition of Family MO HealthNet programs.

The proposed regulation change will not have a fiscal impact. Overall implementation costs of Amendment 2 that modifies Section 36(c) of Article IV of the Missouri Constitution is estimated to cost \$2.71 billion total (\$258.5 million state share / \$2.45 billion federal) annually.

IV. ASSUMPTIONS

N/A

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.045 Thirty-One-Day Supply Maximum Restriction on Pharmacy Services Reimbursed by the MO HealthNet Division. The Department of Social Services is amending the purpose statement, sections (1), (2), (3), and (4), and adding a new section (5).

PURPOSE: The purpose of this amendment is to update “recipient” and “patient” to “participant,” which is the current standard language. This amendment also adds an additional exemption to the thirty-one- (31-) day restriction to allow for a new ninety- (90-) day supply program identified in proposed rule 13 CSR 70-20.047 Ninety-Day Supply Requirement for Select Medications. The amendment also makes grammatical corrections by adding hyphens to the terms “thirty-one (31) days” or “ninety (90) days” when those terms are used as adjectives.

PURPOSE: This rule establishes a thirty-one- (31-) day supply maximum restriction per dispensing on pharmacy services reimbursed by the MO HealthNet Division on behalf of [patients] participants eligible for any of the fee-for-service programs.

(1) The maximum days’ supply of medication [which] that may be provided per dispensing on behalf of a [patient] participant eligible for any of the fee-for-service programs is thirty-one (31) days [supply], except for those drugs and/or categories under the provisions of this rule. Medication may be dispensed in quantities less than a thirty-one- (31-) day supply, if so ordered by the prescriber, except as specified elsewhere in this rule.

(2) Drugs and/or categories of medications [which] that are exempt from the thirty-one- (31-) day supply limitation and therefore may be dispensed in quantities exceeding a thirty-one- (31-) day supply are made available in the MO HealthNet Pharmacy Manual, section 13.6.D(1), located through the Department of Social Services, MO HealthNet Division website at manuals.momed.com/manuals, which]. The MO HealthNet Pharmacy Manual is incorporated by reference [and made part of] in this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website <http://manuals.momed.com/manuals/>, [April 18, 2018] October 2, 2020. This rule does not incorporate any subsequent amendments or additions. The division reserves the right to [affect] effectuate changes in the list of drugs and/or categories of medications [which] that are exempt from the thirty-one- (31-) day supply limitation by amending this rule.

(3) All spend down [recipients] participants are exempt from the MO HealthNet thirty-one- (31-) day supply maximum restriction on pharmacy services.

(4) Exemptions from the thirty-one- (31-) day supply limitation may be given with prior authorization by the MO HealthNet Division to prevent a higher level of care.

(5) Drugs and/or categories of medications identified by 13 CSR 70-20.047 are exempt from the thirty-one- (31-) day supply limitation.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2018] 2020. Emergency rule filed Nov. 21, 2000, effective Dec. 1, 2000, expired May 29, 2001. Original rule filed June 29, 2000, effective Feb. 28, 2001. Amended:

Filed Dec. 5, 2000, effective June 30, 2001. Amended: Filed April 18, 2018, effective Nov. 30, 2018. Amended: Filed Jan. 15, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

PROPOSED RULE

13 CSR 70-20.047 Ninety-Day Supply Requirement for Select Medications

PURPOSE: This rule establishes a ninety- (90-) day supply requirement per dispensing on select medications reimbursed by the MO HealthNet Division on behalf of participants eligible for any of the fee-for-service programs.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) MO HealthNet participating pharmacies shall dispense a ninety- (90-) day supply of select medications to a participant eligible for any of the fee-for-service programs. Drugs and/or categories of medications that are subject to this ninety- (90-) day supply requirement are identified in the 90-Day Supply Medication List, which is incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/cs/pharmacy/pages/frequpdat.htm>, October 22, 2020. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. 2020. Original rule filed Jan. 15, 2021.

PUBLIC COST: This proposed rule will save state agencies or political subdivisions an estimated three million four hundred forty-seven thousand dollars (\$3,447,000) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to

*Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 20 – Pharmacy Programs

Rule Number and Name:	13 CSR 70-20.047 Ninety-Day Supply Requirement for Select Medications
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	Estimated Annual Savings = \$3,447,000

III. WORKSHEET

N/A

IV. ASSUMPTIONS

Estimated annual savings are based on current utilization of the selected medications with the current level of MO HealthNet enrollment. Utilization and case load may alter annual savings from the estimate.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.060 Professional Dispensing Fee. The department is amending the purpose statement and section (1), amending and renumbering section (2), and adding new sections (2) and (4).

PURPOSE: The purpose of this amendment is to update the amount of the professional dispensing fee reimbursable for the dispensing of MO HealthNet covered prescriptions by a pharmacy provider in line with the most recent cost of dispensing survey.

PURPOSE: The MO HealthNet Division establishes the amount of the fee reimbursable for the professional dispensing of each MO HealthNet covered prescription by a pharmacy provider[, raises the current dispensing fee from three dollars (\$3) to four dollars eighty-four cents (\$4.84) and establishes a long-term care prescription fee add-on of fifteen cents (15¢)].

(1) Between April 1, 2017 and January 31, 2021, [A/a professional dispensing fee [of four dollars eighty-four cents (\$4.84)] shall be added to the MO HealthNet maximum allowable payment for [each] MO HealthNet reimbursable prescriptions filled or refilled by a pharmacy provider[.] as follows:

(A) Out-of-state pharmacy providers receive a professional dispensing fee of nine dollars fifty-five cents (\$9.55);

(B) In-state pharmacy providers receive a professional dispensing fee of fourteen dollars thirty-seven cents (\$14.37);

(C) In-state pharmacy providers receive a preferred generic product incentive fee of five dollars zero cents (\$5.00); and

[(A)](D) The professional dispensing fees as provided in this rule shall not be included in the computation of the MO HealthNet maximum allowable drug payment for participant cost-sharing purposes.

(2) Effective February 1, 2021, a professional dispensing fee shall be added to the MO HealthNet maximum allowable payment for MO HealthNet reimbursable prescriptions filled or refilled by a pharmacy provider as follows:

(A) Out-of-state pharmacy providers receive a professional dispensing fee of eight dollars and eighty-five cents (\$8.85);

(B) In-state pharmacy providers receive a professional dispensing fee of twelve dollars and twenty-two cents (\$12.22), plus an adjustment to account for the costs of the Missouri Pharmacy Reimbursement Allowance attributable to Medicaid-reimbursed prescriptions;

(C) The professional dispensing fee as provided in this rule shall not be added to prescriptions reimbursed at the usual and customary charge submitted by the provider; and

(D) The professional dispensing fees as provided in this rule shall not be included in the computation of the MO HealthNet maximum allowable drug payment for participant cost-sharing purposes.

[(2)](3) Effective April 1, 2017, [A/all pharmacy providers supplying prescribed MO HealthNet covered drugs to participants in long-term care facilities shall receive an additional [fifteen cent (15¢)] fifty cent (50¢) dispensing fee per claim provided they—

(A) Dispense medication in a drug distribution system(s) which meets minimum standards of container packaging (at least class B as defined in United States Pharmacopeia XXI);

(B) Certify to the MO HealthNet Division, on a form, and in the manner prescribed by the division, that they—

1. Provide this dispensing service to their long-term care facility resident patients;

2. Provide emergency services twenty-four (24) hours a day

with seven (7) days a week availability; and

3. Have the ability and willingness to assist in accessing medications through the MO HealthNet Exception Process; and

(C) Indicate, as prescribed by the MO HealthNet Division, on each claim that the prescription was provided in packaging qualifying for the dispensing fee add-on to a participant in a long-term care facility.

(4) A professional dispensing fee shall be added to maintenance medications no more frequently than once every twenty-five (25) days. “Maintenance medications” are defined as drugs that have a common indication for treatment of a chronic disease, and the therapeutic duration is expected to exceed one year. This is determined by a First DataBank drug code maintenance indicator of “1.”

AUTHORITY: sections 208.153, [and] 208.201, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed Dec. 15, 1987, effective March 11, 1988. Amended: Filed Sept. 26, 2013, effective March 30, 2014. Emergency amendment filed Jan. 13, 2021, effective Feb. 1, 2021, expires July 30, 2021. Amended: Filed Jan. 13, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimate of fifty million, six hundred seventeen thousand, and eight hundred eighty-seven dollars (\$50,617,887) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 20 – Pharmacy Programs

Rule Number and Name:	13 CSR 70-20.060 Professional Dispensing Fee
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3600	Enrolled MO HealthNet Pharmacy Providers	Estimated cost for SFY 21 February 1, 2021-June 30, 2021 change: \$21,090,786 Annual estimated cost for SFY 22 change: \$50,617,887

III. WORKSHEET

Beginning 02/01/2021 the new base professional dispensing fee will be \$8.85. Pharmacy providers supplying covered drugs to participants in long-term care facilities will receive an additional \$.50 dispensing fee. The dispensing fee under the existing payment methodology is estimated to be \$172,375,054. It is anticipated the cost will be \$121,757,167 annually under the new methodology, resulting in an annual public savings.

The estimated cost to pharmacies in SFY 21 February 1, 2021 to June 30, 2021, will be \$21,090,786 and the estimated annual cost to pharmacies will be \$50,617,887 in SFY 2022.

IV. ASSUMPTIONS

New dispensing fee amounts were applied to the FY 2020 claim data.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**Division 30—Division of Regulation and Licensure
Chapter 81—Certification****PROPOSED AMENDMENT**

19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants [in Long-Term Care Facilities]. The department is amending sections (1), (2), (3), (4), and (5), adding new section (6), and changing the title of the rule and the purpose statement.

PURPOSE: This amendment changes the title of the rule and purpose statement, lowers the assessed need points requirement from twenty-four (24) to eighteen (18) points for determination to meet nursing home level of care, updates assessment forms, level of care criteria, and the assessed needs point count value. The amendment also includes the algorithm utilized by the department's Home and Community Based Services program for its level of care determination.

PURPOSE: This rule sets the requirements for the periodic evaluation and assessments of residents in long-term care facilities in relationship to evaluation and assessment processes, level-of-care needed by individuals, and appropriate placement of individuals in order to receive this care. The rule also includes the algorithm utilized for the department's Home and Community Based Services program for its level of care determination.

(1) For purposes of this rule only, the following definitions shall apply:

(C) Initial assessment forms—the forms utilized to collect information necessary for a [determination of] level-of-care [need] determination pursuant to 19 CSR 30-81.030 and designated Forms [DA-124 A/B (dated 6-05) and DA-124 C (dated 4-05) and Notice To Applicant Form, DA-124C ATT. (attachment) (dated 12-01), incorporated by reference in this rule and available through the Department of Health and Senior Services website: www.dhss.mo.gov or by mail at: Department of Health and Senior Services Warehouse, Attention General Services Warehouse, PO Box 570, Jefferson City, Missouri 65102-0570; telephone: (573) 526-3861; fax: (573) 751-1574, shall be considered the approved Initial Assessment Forms. This rule does not incorporate any subsequent amendments or additions] DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment and DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition, included herein.

(F) Level-of-care [need] determination—the decision whether an individual qualifies for long-term care facility care;

[(H) Pro re nata (PRN)—medication or treatment ordered by a physician to be administered as needed, but not regularly scheduled;]

[(I)](H) Recipient—any resident in a certified long-term care facility who is receiving inpatient Title XIX assistance;

[(J)](I) [Redetermination] Reevaluation of level-of-care—the periodic assessment of the recipients' continued eligibility and need for continuation at the previously assigned level-of-care. Periodic assessment includes but [it] is not limited to the following:

1. Assessment of new admissions to a long-term care facility;
2. Assessment of a change in mental and/or physical status for a resident who is being readmitted to a long-term care facility after transfer to an acute care facility, and the previous [DA-124 A/B or C] DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment or DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition forms do not reflect the resident's

current care needs; and

3. Assessment of [DA-124] DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment or DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition forms as requested by Department of Social Services, Family Support Division;

[(K)](J) Resident—a person seventeen (17) years or older who by reason of aging, illness, disease, or physical or mental infirmity receives or requires care and services furnished by a long-term care facility and who resides in, is cared for, treated or accommodated in such long-term care facility for a period exceeding twenty-four (24) consecutive hours; and

[(L)](K) The department—Department of Health and Senior Services.

(2) Initial [Determination of] Level-of-Care [Needs] Determination Requirements.

(A) [For the purpose of making a determination of level-of-care need and i]n accordance with 42 CFR sections 456.370 and 483.104, the department or its designated agents, or both, will conduct a review and assessment of the evaluations made by the attending physician for an applicant in or seeking admission to a long-term care facility. The review and assessment shall be conducted using the criteria in section (5) of this rule.

(B) The initial level-of-care determination shall be completed for the following:

1. All applicants prior to or on admission to a long-term care facility.

2. When an applicant or recipient has been discharged from a long-term care facility for more than sixty (60) days.

(C) A referring individual shall fill out and submit electronically using the department's online database system available at: <https://health.mo.gov/seniors/nursinghomes/pasrr.php>. the required documentation contained in forms DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment and DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition.

[(B)](D) The department shall complete the assessment within ten (10) working days of receipt of all documentation required by section (5) of this rule unless further evaluation by the State Mental Health Authority is required by 42 CFR 483.100 to 483.138.

(E) The department shall provide written notice to the individual or referring entity if Level II screening is referred to the Department of Mental Health. The referring entity shall notify the applicant or recipient of the results of the screening.

(3) [Redetermination of] Level-of-Care Reevaluation Requirements.

(A) [Redetermination of level-of-care of individual recipients who are eligible for placement in long-term care facilities shall be conducted by the department through a review and assessment of the DA-124 A/B and C forms and any documentation provided by the resident's attending physician.] The level-of-care reevaluation is applicable for recipients who are eligible for placement in a long-term care facility. The level-of-care reevaluation shall be completed for the following:

1. When a significant change has occurred in the resident's physical, mental, or psychosocial status for a resident diagnosed with mental illness and/or intellectual disability or related condition; or

2. As requested by Department of Social Services, Family Support Division or the Department of Mental Health.

(B) [Required documentation on the DA-124 C form shall include the resident's physician's signature and his or her Physician Identification Number.] A referring individual shall fill out and submit electronically using the department's online database system available at: <https://health.mo.gov/seniors/nursinghomes/pasrr.php>. the required documentation contained in

forms DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment and DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition.

(C) The department shall provide written notice to the individual or referring entity if Level II screening is referred to the Department of Mental Health. The referring entity shall notify the applicant or recipient of the results of the screening.

(4) Level-of-Care Criteria for Long-Term Care Facility Care—Qualified Title XIX Recipients and Applicants.

(B) The specific areas which will be considered when determining an individual's ability or inability to function in the least restrictive environment are—*[mobility, dietary, restorative services, monitoring, medication, behavioral, treatments, personal care and rehabilitative services.]* behavioral, cognition, mobility, eating, toileting, bathing, dressing and grooming, rehabilitative services, treatments, meal preparation, medication management, and safety.

(5) Assessed Needs Point Designations Requirements.

(B) Points will be assessed for the amount of assistance required, the complexity of the care and the professional level of assistance necessary, based on the level-of-care criteria. *[If the applicant's or recipient's records show that the applicant's or recipient's attending physician has ordered certain care, medication or treatments for an applicant or recipient, the department will assess points for a PRN order if the applicant or recipient has actually received or required that care, medication or treatment within the thirty (30) days prior to review and evaluation by the department.]*

(C) For individuals seeking admission to a long-term care facility on or after July 15, [2017] 2021, the applicant or recipient will be determined *[to be qualified]* as eligible for Title XIX-funded long-term *[care facility]* care services if he or she is determined to need care with an assessed point level of *[twenty-four (24)]* eighteen (18) points or above, using the assessment procedure as required in this rule.

(D) For individuals seeking admission to a long-term care facility on or after July 15, [2017] 2021, an applicant with *[twenty-one (21)]* less than eighteen (18) points *[or lower]* will be *[assessed]* determined as ineligible for Title XIX-funded long-term care services *[in a long-term care facility]*, unless the applicant qualifies as otherwise provided in subsection[s] (5)(E) *[and/or (F)]* of the rule.

[(E) Applicants or recipients may occasionally require care or services, or both, which could qualify as long-term care facility services. In these instances, a single nursing service requirement may be used as the qualifying factor, making the individual eligible for long-term care facility care regardless of the total point count. The determining factor will be the availability of professional personnel to perform or supervise the qualifying care services. Qualifying care services may include, but are not limited to:

1. Administration of levine tube or gastrostomy tube feedings;
2. Nasopharyngeal and tracheotomy aspiration;
3. Insertion of medicated or sterile irrigation and replacement catheters;
4. Administration of parenteral fluids;
5. Inhalation therapy treatments;
6. Administration of injectable medications other than insulin, if required other than on the day shift; and
7. Requirement of intensive rehabilitation services by a professional therapist at least five (5) days per week.]

[(F)](E) An applicant or recipient will be considered eligible for inpatient Title XIX assistance regardless of the total point count if the applicant or recipient is unable to meet physical/mental requirements

for residential care facility (RCF) and assisted living facility (ALF) residency as specified by section 198.073, RSMo. In order to determine if an applicant or recipient is unable to meet RCF and ALF residency, the following criteria shall be applied:

1. For RCF residency an applicant or recipient shall be physically and mentally capable of negotiating a normal path to safety. In order to meet this requirement, an applicant or recipient, without staff assistance, must be able to reach and go through a required exit door to the outside building by—

[1.]A. Responding to verbal direction or the sound of an alarm;

[2.]B. *[Moving at a reasonable speed; and]* Being prepared to leave the facility within five (5) minutes of being alerted of the need to evacuate;

[3.]C. If using a wheelchair *[or other assistive device, such as a walker or cane]*, the resident shall *[being]* be able to transfer into the wheelchair and propel it or reach the assistive device, *[without staff assistance]* and open all doors without staff assistance; and

D. If using another assistive device, such as a walker or cane, they shall be able to reach and utilize the assistive device without staff assistance.

2. For ALF residency, the applicant or recipient cannot be admitted or retained if they meet the following criteria:

A. Exhibit behaviors that present a reasonable likelihood of serious harm to himself or herself or others;

B. Require physical restraints;

C. Require chemical restraints;

D. Require skilled nursing services as defined in subsection 198.073.4, RSMo for which the facility is not licensed or able to provide;

E. Require more than one (1) person to simultaneously physically assist the resident with any activity of daily living, with the exception of bathing and transferring; or

F. Is bedbound or similarly immobilized due to a debilitating or chronic condition.

[(G)](F) Points will be assigned to each category, as required by subsection (4)(B) of this rule, in multiples of three (3) according to the following requirements:

[1. Mobility is defined as the individual's ability to move from place-to-place. The applicant or recipient will receive—

A. Zero (0) points if assessed as independently mobile, in that the applicant or recipient requires no assistance for transfers or mobility. The applicant or recipient may use assistive devices (cane, walker, wheelchair) but is consistently capable of negotiating without assistance of another individual;

B. Three (3) points if assessed as requiring minimum assistance, in that the applicant or recipient is independently mobile once the applicant or recipient receives assistance with transfers, braces or prosthesis application or other assistive devices, or a combination of these (example, independent use of wheelchair after assistance with transfer). This category includes individuals who are not consistently independent and need assistance periodically;

C. Six (6) points if assessed as requiring moderate assistance, in that the applicant or recipient is mobile only with direct staff assistance. The applicant or recipient must be assisted even when using canes, walker or other assistive devices; and

D. Nine (9) points if assessed as requiring maximum assistance, in that the applicant or recipient is totally dependent upon staff for mobility. The applicant or recipient is unable to ambulate or participate in the ambulation process, requires positioning, supportive device, application, prevention of contractures or pressure sores and active or passive range of motion exercises;

2. Dietary is defined as the applicant's or recipient's

nutritional requirements and need for assistance or supervision with meals. The applicant or recipient will receive—

A. Zero (0) points if assessed as independent in dietary needs, in that the applicant or recipient requires no assistance to eat. The applicant or recipient has physician's orders for a regular diet, mechanically altered diet or requires only minor modifications (example, limited desserts, no salt or sugar on tray);

B. Three (3) points if assessed as requiring minimum assistance, in that the applicant or recipient requires meal supervision or minimal help, such as cutting food or verbal encouragement. Calculated diets for stabilized conditions shall be included;

C. Six (6) points if assessed as requiring moderate assistance, in that the applicant or recipient requires help, including constant supervision during meals, or actual feeding. Calculated diets for unstable conditions are included; and

D. Nine (9) points if assessed as requiring maximum assistance, in that the applicant or recipient requires extensive assistance for special dietary needs or with eating, which could include enteral feedings or parenteral fluids;

3. Restorative services are defined as specialized services provided by trained and supervised individuals to help applicants or recipients obtain and/or maintain their optimal highest practicable functioning potential. Each applicant or recipient must have an individual overall plan of care developed by the provider with written goals and response/progress documented. Restorative services may include, but are not limited to: applicant or recipient teaching program (self-transfer, self-administration of medications, self-care), range of motion, bowel and bladder program, remotivational therapy, validation therapy, patient/family program and individualized activity program. The applicant or recipient will receive—

A. Zero (0) points if restorative services are not required;

B. Three (3) points if assessed as requiring minimum services in order to maintain level of functioning;

C. Six (6) points if assessed as requiring moderate services in order to restore the individual to a higher level of functioning; and

D. Nine (9) points if assessed as requiring maximum services in order to restore to a higher level of functioning. These are intensive services, usually requiring professional supervision or direct services;

4. Monitoring is defined as observation and assessment of the applicant's or recipient's physical and/or mental condition. This monitoring could include assessment of—routine laboratory work, including but not limited to, evaluating digoxin and coumadin levels, measurement and evaluation of blood glucose levels, measurement and evaluation of intake and output of fluids the individual has received and/or excreted, weights and other routine monitoring procedures. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring only routine monitoring, such as monthly weights, temperatures, blood pressures and other routine vital signs and routine supervision;

B. Three (3) points if assessed as requiring minimal monitoring, in that the applicant or recipient requires periodic assessment due to mental impairment, monitoring of mild confusion, or both, or periodic assessment of routine procedures when the recipient's condition is stable;

C. Six (6) points if assessed as requiring moderate monitoring, in that the applicant or recipient requires recurring assessment of routine procedures due to the applicant's or recipient's unstable physical or mental condition; and

D. Nine (9) points if assessed as requiring maximum monitoring, which is intensive monitoring usually by professional personnel due to applicant's or recipient's unstable physical or mental condition;

5. Medication is defined as the drug regimen of all physician-ordered legend medications, and any physician-ordered nonlegend medication for which the physician has ordered monitoring due to the complexity of the medication or the condition of the applicant or recipient. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring no medication, or has not required PRN medication within the thirty (30) days prior to review and evaluation by the department;

B. Three (3) points if assessed as requiring any regularly scheduled medication and the applicant or recipient exhibits a stable condition;

C. Six (6) points if assessed as requiring moderate supervision of regularly scheduled medications, requiring daily monitoring by licensed personnel; and

D. Nine (9) points if assessed as requiring maximum supervision of regularly scheduled medications, a complex medication regimen, unstable physical or mental status or use of medications requiring professional observation and assessment, or a combination of these;

6. Behavioral is defined as an individual's social or mental activities. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring little or no behavioral assistance. Applicant or recipient is oriented and memory intact;

B. Three (3) points if assessed as requiring minimal behavioral assistance in the form of supervision or guidance on a periodic basis. Applicant or recipient may display some memory lapses or occasional forgetfulness due to mental or developmental disabilities, or both. Applicant or recipient generally relates well with others (positive or neutral) but needs occasional emotional support;

C. Six (6) points if assessed as requiring moderate behavioral assistance in the form of supervision due to disorientation, mental or developmental disabilities or uncooperative behavior; and

D. Nine (9) points if assessed as requiring maximum behavioral assistance in the form of extensive supervision due to psychological, developmental disabilities or traumatic brain injuries with resultant confusion, incompetency, hyperactivity, hostility, severe depression, or other behavioral characteristics. This category includes residents who frequently exhibit bizarre behavior, are verbally or physically abusive, or both, or are incapable of self-direction. Applicants or recipients who exhibit uncontrolled behavior that is dangerous to themselves or others must be transferred immediately to an appropriate facility;

7. Treatments are defined as a systematized course of nursing procedures ordered by the attending physician. The applicant or recipient will receive—

A. Zero (0) points if no treatments are ordered by the physician;

B. Three (3) points if assessed as requiring minimal type-ordered treatments, including nonroutine and preventative treatments, such as whirlpool baths and other services;

C. Six (6) points if assessed as requiring moderate type-ordered treatments requiring daily attention by licensed personnel. These treatments could include: daily dressings, PRN oxygen, oral suctioning, catheter maintenance care, treatment of stasis or pressure sore ulcers, wet/moist packs, maximest and other such services; and

D. Nine (9) points if assessed as requiring maximum type-ordered treatments of an extensive nature requiring provision, direct supervision, or both, by professional personnel.

These treatments could include: intratracheal suctioning; insertion or maintenance of suprapubic catheter; continuous oxygen; new or unregulated ostomy care; dressings of deep draining lesions more than once daily; care of extensive skin disorders, such as advanced pressure sore or necrotic lesions; infrared heat and other services;

8. Personal care is defined as activities of daily living, including hygiene; personal grooming, such as dressing, bathing, oral and personal hygiene, hair and nail care, shaving; and bowel and bladder functions. Points will be determined based on the amount of assistance required and degree of assistance involved in the activity. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring no assistance with personal care in that the applicant or recipient is an independent, self-care individual. No assistance is required with personal grooming; the applicant or recipient has complete bowel and bladder control;

B. Three (3) points if assessed as requiring minimal assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, and/or exhibits infrequent incontinency (once a week or less);

C. Six (6) points if assessed as requiring moderate assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, requiring close supervision or exhibits frequent incontinency (incontinent of bladder daily but has some control or incontinent of bowel two (2) or three (3) times per week), or a combination of these; and

D. Nine (9) points if assessed as requiring maximum assistance with personal care, in that the applicant or recipient requires total personal care to be performed by another individual, and/or exhibits continuous incontinency all or most of the time; and]

1. Behavioral is defined as the applicant or recipient's repeated behavioral challenges that affect their ability to function in the community. The applicants or recipients who exhibit uncontrolled behavior that is dangerous to themselves or others must be transferred immediately to an appropriate facility. Determine if the applicant or recipient: receives monitoring for a mental condition, exhibits one (1) of the following mood or behavior symptoms: wandering, physical abuse, socially inappropriate or disruptive behavior, inappropriate public sexual behavior or public disrobing, resists care or exhibits one (1) of the following psychiatric conditions: abnormal thoughts, delusions, hallucinations. The applicant or recipient can receive up to nine (9) points in this category. The applicant or recipient will receive—

A. Zero (0) points if assessed with a stable mental condition and no mood or behavior symptoms observed and no reported psychiatric conditions;

B. Three (3) points if assessed with a stable mental condition monitored by a physician or licensed mental health professional at least monthly or behavior symptoms exhibited in the past, but not currently present or psychiatric conditions exhibited in the past, but not recently present;

C. Six (6) points if assessed with an unstable mental condition monitored by a physician or licensed mental health professional at least monthly, or behavior symptoms are currently exhibited, or psychiatric conditions are recently exhibited; or

D. Nine (9) points if assessed with an unstable mental condition monitored by a physician or licensed mental health professional at least monthly and behavior symptoms are currently exhibited or psychiatric conditions are currently exhibited.

2. Cognition is defined as the applicant or recipient's performance in remembering, making decisions, organizing daily self-care activities, as well as understanding others and making self-understood. Determine if the applicant or recipient has an issue in one (1) or more of the following areas: cognitive skills for daily

decision making, memory or recall ability (short-term, procedural, situational memory), disorganized thinking/awareness, mental function varies over the course of the day, or ability to understand others or to be understood. The applicant or recipient can receive up to eighteen (18) points in this category. The applicants or recipients with "no discernable consciousness, coma" are presumed to meet nursing facility level of care. The applicant or recipient will receive—

A. Zero (0) points if assessed with no issues with cognition and no issues with memory, mental function, or ability to be understood or to understand others;

B. Three (3) points if assessed as displaying difficulty making decisions in new situations or occasionally requires supervision in decision making and has issues with memory, mental function, or ability to be understood or to understand others;

C. Six (6) points if assessed as displaying consistent unsafe or poor decision making requiring reminders, cues, or supervision at all times to plan, organize, and conduct daily routines, and has issues with memory, mental function, or ability to be understood or understand others; or

D. Nine (9) points if assessed as rarely or never has the capability to make decisions or displaying consistent unsafe or poor decision making or requires total supervision requiring reminders, cues, or supervision at all times to plan, organize, and conduct daily routines, and rarely or never understood by or able to understand others.

3. Mobility is defined as the amount of assistance needed by the applicant or recipient to move from one (1) place or position to another. Determine the applicant or recipient's primary mode of locomotion and the amount of assistance the applicant or recipient needs with: locomotion—how one moves walking or wheeling, if wheeling how much assistance is needed once in the chair, or bed mobility—transition from lying to sitting, turning, etc. The applicant or recipient can receive up to eighteen (18) points in this category. The applicants or recipients who score in the "totally dependent on others to move or those that are bed-bound" are presumed to meet nursing facility level of care. The applicant or recipient will receive—

A. Zero (0) points if assessed as independently mobile, in that the applicant or recipient requires no assistance for transfers or mobility or only has set up or supervision needed;

B. Three (3) points if assessed as requiring limited or moderate assistance, in that the applicant or recipient performs more than fifty percent (50%) of tasks independently; or

C. Six (6) points if assessed as requiring maximum assistance, in that the applicant or recipient needs assistance from two (2) or more individuals or more than fifty percent (50%) weight-bearing assistance or totally dependent for bed mobility.

4. Eating is defined as the amount of assistance needed by applicant or recipient to eat and drink, including special nutritional requirements or a specialized mode of nutrition. Determine the amount of assistance the applicant or recipient needs with eating and drinking. Includes intake of nourishment by other means [e.g. tube feeding or total parenteral nutrition (TPN)]. Determine if the participant requires a physician ordered therapeutic diet. The applicant or recipient can receive up to eighteen (18) points in this category. The applicants or recipients "totally dependent on others to eat" are presumed to meet nursing facility level of care. The applicant or recipient will receive—

A. Zero (0) points if assessed as independent in dietary needs, in that the applicant or recipient requires no assistance to eat and has no physician ordered diet;

B. Three (3) points if assessed as requiring minimum assistance, in that the applicant or recipient requires physician ordered therapeutic diet, or set up, supervision, or limited assistance is needed with eating;

C. Six (6) points if assessed as requiring moderate assistance with eating, in that the applicant or recipient performs more than fifty percent (50%) of tasks independently; or

D. Nine (9) points if assessed as requiring maximum assistance with eating, in that the applicant or recipient requires an individual to perform more than fifty percent (50%) for assistance.

5. Toileting is defined as the amount of assistance needed by the applicant or recipient to complete all tasks related to toileting including the actual use of the toilet room (or commode, bedpan, urinal), transferring on/off the toilet, cleansing self, adjusting clothes, managing catheters/ostomies, and managing incontinence episodes. The applicant or recipient can receive up to nine (9) points in this category. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring no assistance, or requires only set up or supervision needed;

B. Three (3) points if assessed as requiring limited or moderate assistance, in that applicant or recipient performs more than fifty percent (50%) of tasks independently;

C. Six (6) points if assessed as requiring maximum assistance, in that applicant or recipient needs two (2) or more individuals, or more than fifty percent (50%) weight-bearing assistance; or

D. Nine (9) points if assessed as requiring total dependence on others.

6. Bathing is defined as the amount of assistance needed by the applicant or recipient to complete a full body shower or bath. Determine the amount of assistance the applicant or recipient needs with bathing. Bathing includes: taking a full body bath/shower and the transferring in and out of the bath/shower. The applicant or recipient can receive up to six (6) points in this category. The applicant or recipient will receive—

A. Zero (0) points if assessed as no assistance required, or requiring only set up or supervision needed;

B. Three (3) points if assessed as requiring limited or moderate assistance, in that applicant or recipient performs more than fifty percent (50%) of tasks independently; or

C. Six (6) points if assessed as requiring maximum assistance, in that the applicant or recipient requires two (2) or more individuals, more than fifty percent (50%) weight-bearing assistance, or total dependence on others.

7. Dressing and grooming is defined as the amount of assistance needed by the applicant or recipient to dress, undress, and complete daily grooming tasks. Dressing may also include specialized devices such as prosthetics, orthotics, etc. The applicant or recipient can receive up to six (6) points in this category. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring no assistance, or requiring only set up or supervision needed;

B. Three (3) points if assessed as requiring limited or moderate assistance, in that applicant or recipient performs more than fifty percent (50%) of tasks independently; or

C. Six (6) points if assessed as requiring maximum assistance, in that applicant or recipient requires two (2) or more individuals, more than fifty percent (50%) of weight-bearing assistance, or total dependence on others.

[9.]8. *[Rehabilitation]* Rehabilitative services is defined as the restoration of a former or normal state of health through medical-ly-ordered therapeutic services either directly provided by or under the supervision of a licensed qualified professional. *[Rehabilitation]* Rehabilitative services include[, but are not limited to:] physical therapy, occupational therapy, speech therapy, cardiac rehabilitation, and audiology. If ordered by the physician, each resident must have an individually planned and implemented program with written goals and response/progress documented. Points will be determined by intensity of required services and the applicant's or recipient's potential for rehabilitation as determined by the rehabilitation evaluation.

The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring no ordered *[rehabilitation]* rehabilitative services;

B. Three (3) points, if assessed as requiring minimal-ordered *[rehabilitation]* rehabilitative services of one (1) time per week;

C. Six (6) points if assessed as requiring moderate-ordered rehabilitative services of two (2) or three (3) times per week; *[and]* or

D. Nine (9) points if assessed as requiring maximum-ordered rehabilitative services of four (4) times per week or more.

9. Treatments are defined as a physician ordered medical care or management that requires additional hands on assistance. The scoring for treatments will be zero (0) or six (6). The applicant or recipient with the identified treatments will receive six (6) points. The applicant or recipient will receive—

A. Zero (0) points if no treatments are ordered by the physician; or

B. Six (6) points if assessed as requiring one (1) or more of the physician ordered treatments requiring daily attention by a licensed professional. These treatments could include: catheter/ostomy care, alternate modes of nutrition (tube feeding or TPN), suctioning, ventilator/respirator, and wound care (skin must be broken).

10. Meal preparation is defined as the amount of assistance needed to prepare a meal based on the applicant's or recipient's capacity to complete the task. This includes planning, assembling ingredients, cooking, and setting out the food and utensils. The applicant or recipient can receive up to six (6) points in this category. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring no assistance, or requiring only set up or supervision needed;

B. Three (3) points if assessed as requiring limited or moderate assistance, in that applicant or recipient performs more than fifty percent (50%) of tasks; or

C. Six (6) points if assessed as requiring maximum assistance in that the individual performs more than fifty percent (50%) of tasks for the applicant or recipient, or requires total dependence on others.

11. Medication management is defined as the amount of assistance needed by the applicant or recipient to safely manage their medication regimen. Assistance may be needed due to a physical or mental disability. Determine the amount of assistance the applicant or recipient needs to safely manage their medications. The applicant or recipient can receive up to six (6) points in this category. The applicant or recipient will receive—

A. Zero (0) points if assessed as requiring no assistance;

B. Three (3) points if assessed as requiring setup help needed or supervision needed, or requires limited or moderate assistance, in that applicant or recipient performs more than fifty percent (50%) of tasks; or

C. Six (6) points if assessed as requiring maximum assistance, in that the individual performs more than fifty percent (50%) of tasks for the applicant or recipient, or requires total dependence on others.

12. Safety is defined as the identification of a safety risk associated with vision impairment, falling, problems with balance, past institutionalization, and age. Determine if the applicant or recipient exhibits any of the following risk factors: vision impairment, falling, or problems with balance - balance is moving to standing position, turning to face the opposite direction, dizziness, or unsteady gait. The applicant or recipient can receive up to eighteen (18) points in this category. After determination of a preliminary score, institutionalization and age will be considered to determine the final score. Three (3) points can be added to the accumulated score if the applicant or recipient is aged seventy-five (75) years or older and/or has been institutionalized in the last five (5) years in a long-term care facility, mental health residence, psychiatric hospital, inpatient substance abuse, or settings for

persons with intellectual disabilities and only to the specified points category listed. The applicants or recipients who score eighteen (18) points are presumed to meet nursing facility level of care. The applicant or recipient will receive—

A. Zero (0) points if assessed with no difficulty or some difficulty with vision, and no falls in the last ninety (90) days, and no recent problems with balance;

B. Three (3) points if assessed with severe difficulty with vision (sees only lights and shapes), or has fallen in the last ninety (90) days, or has current problems with balance, or has a preliminary score of zero (0) and is aged seventy-five (75) years or older or has been institutionalized;

C. Six (6) points if assessed with no vision or has fallen in the last ninety (90) days and has current problems with balance, or assessed with a preliminary score of zero (0) and is aged seventy-five (75) years or older and has been institutionalized, or assessed with a preliminary score of three (3) points and is aged seventy-five (75) years or older or has been institutionalized;

D. Nine (9) points if assessed with a preliminary score of six (6) points and has been institutionalized; or

E. Eighteen (18) points if assessed with a preliminary score of six (6) points and is aged seventy-five (75) years or older or assessed with a preliminary score of three (3) points and is aged seventy-five (75) years or older and has been institutionalized.

(6) Level of Care Determination for Home and Community Based Services Program. The department uses level of care determination for Home and Community Based Services (HCBS). The department utilizes the InterRAI Home Care Assessment System (HC), © InterRAI. Questions are scored within the InterRAI assessment using an algorithm, included herein. The HCBS assessment process is outlined in 19 CSR 15-7.021, 19 CSR 15-8.200, and 13 CSR 70-91.010.



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
NURSING FACILITY LEVEL OF CARE ASSESSMENT

All questions on this form must be answered- write N/A if not applicable. Blank areas will result in return of document and delay in payment.

SECTION A. INDIVIDUAL'S IDENTIFYING INFORMATION

NAME (LAST, FIRST, MIDDLE INITIAL, SUFFIX)		DATE OF BIRTH:
DCN (MEDICAID NUMBER):	SSN NUMBER:	
RACE:	GENDER:	

SECTION B. CURRENT LOCATION/PROPOSED PLACEMENT

REASON FOR SUBMITTING APPLICATION:	
INDIVIDUAL'S CURRENT PHYSICAL LOCATION:	
NAME OF PROPOSED SKILLED NURSING FACILITY:	FACILITY ID NUMBER:
ADMIT DATE TO NF:	DISCHARGE DATE FROM NF:

SECTION C. RECENT MEDICAL INCIDENTS (I.E., CVA, SURGERY, FRACTURE, HEAD INJURY, ETC., AND GIVE DATES)

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INDICATE THE DIAGNOSES RELEVANT TO APPLICANT'S FUNCTIONAL AND/OR SKILLED NURSING NEEDS

☐ See Attached

SECTION D. ASSESSED NEEDS

BEHAVIORAL:

- Determine if the applicant or recipient:
 - Receives monitoring for mental condition
 - Exhibits one of the following mood or behavior symptoms - wandering, physical abuse, socially inappropriate or disruptive behavior, inappropriate public sexual behavior or public disrobing; resists care
 - Exhibits one of the following psychiatric conditions - abnormal thoughts, delusions, hallucinations

Date of the last consult completed by a physician or licensed mental health professional:	Behavioral Symptoms (Check one box for each)				
	None	Min	Mod	Max	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Withdrawn/Depressed
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suspicious/Paranoid
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wanders
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hallucinations/Delusions
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Abnormal Thought Process
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Aggressive (Physical/Verbal)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suicidal/Homicidal Ideation
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Restraints
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sexually Inappropriate
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Controlled with Medications

COMMENT:

<input type="radio"/> 0 pts	Stable mental condition AND no mood or behavior symptoms observed AND no reported psychiatric conditions
<input type="radio"/> 3 pts	Stable mental condition monitored by a physician or licensed mental health professional at least monthly OR behavior symptoms exhibited in past, but not currently present OR psychiatric conditions exhibited in past, but not recently present
<input type="radio"/> 6 pts	Unstable mental condition monitored by a physician or licensed mental health professional at least monthly OR behavior symptoms are currently exhibited OR psychiatric conditions are recently exhibited
<input type="radio"/> 9 pts	Unstable mental condition monitored by a physician or licensed mental health professional at least monthly AND behavior symptoms are currently exhibited OR psychiatric conditions are currently exhibited

	COGNITION: <ul style="list-style-type: none"> Determine if the applicant or recipient has an issues in one or more of the following areas: <ul style="list-style-type: none"> Cognitive skills for daily decision making Memory or recall ability (short-term, procedural, situational memory) Disorganized thinking/awareness - mental function varies over the course of the day Ability to understand others or to be understood 	
ORIENTATION: <input type="checkbox"/> Person <input type="checkbox"/> Place <input type="checkbox"/> Time <input type="checkbox"/> Situation		MEMORY:
LEVEL OF SUPERVISION:		ABILITY TO MAKE A PATH TO SAFETY: <input type="checkbox"/> No <input type="checkbox"/> Yes
HEARING IMPAIRMENT: <input type="checkbox"/> No <input type="checkbox"/> Yes		SPEECH IMPAIRMENT: <input type="checkbox"/> No <input type="checkbox"/> Yes
COMMENT:		
<input type="radio"/> 0 pts	No issues with cognition AND no issues with memory, mental function, or ability to be understood/understand others	
<input type="radio"/> 3 pts	Displays difficulty making decisions in new situations or occasionally requires supervision in decision making AND has issues with memory, mental function, or ability to be understood/understand others	
<input type="radio"/> 6 pts	Displays consistent unsafe/poor decision making requiring reminders, cues or supervision at all times to plan, organize and conduct daily routines AND has issues with memory, mental function, or ability to be understood/understand others	
<input type="radio"/> 9 pts	Rarely or never has the capability to make decisions OR displays consistent unsafe/poor decision making or requires total supervision requiring reminders, cues or supervision at all times to plan, organize and conduct daily routines AND rarely or never understood/able to understand others	
<input type="radio"/> 18 pts	TRIGGER: No discernible consciousness, coma	
	MOBILITY: <ul style="list-style-type: none"> Determine the applicant or recipient's primary mode of locomotion Determine the amount of assistance the applicant or recipient needs with: <ul style="list-style-type: none"> Locomotion - how moves walking or wheeling, if wheeling how much assistance is needed once in the chair Bed Mobility - transition from lying to sitting, turning, etc. 	
COMMENT:		
<input type="radio"/> 0 pts	No assistance needed OR only set up or supervision needed	
<input type="radio"/> 3 pts	Limited or moderate assistance needed, i.e. applicant or recipient performs more than 50% of tasks independently	
<input type="radio"/> 6 pts	Maximum assistance needed, i.e. applicant or recipient needs two (2) or more individuals or more than 50% weight-bearing assistance OR total dependent for bed mobility	
<input type="radio"/> 18 pts	TRIGGER: Applicant or recipient is bedbound OR totally dependent on the others for locomotion	
	EATING: <ul style="list-style-type: none"> Determine the amount of assistance the applicant or recipient needs with eating and drinking. Includes intake of nourishment by other means (e.g. tube feeding or total parenteral nutrition (TPN)). Determine if the participant requires a physician ordered therapeutic diet. 	
DIET ORDERED BY PHYSICIAN:		
COMMENT:		
<input type="radio"/> 0 pts	No assistance needed AND no physician ordered diet	
<input type="radio"/> 3 pts	Physician ordered therapeutic diet OR set up, supervision, or limited assistance needed with eating	
<input type="radio"/> 6 pts	Moderate assistance needed with eating, i.e. applicant or recipient performs more than 50% of the task independently	
<input type="radio"/> 9 pts	Maximum assistance needed with eating, i.e. applicant or recipient requires an individual to perform more than 50% for assistance	
<input type="radio"/> 18 pts	TRIGGER: Totally dependent on others	
	TOILETING: <ul style="list-style-type: none"> Determine the amount of assistance the applicant or recipient needs with toileting. Toileting includes: the actual use of the toilet room (or commode, bedpan, or urinal), transferring on/off the toilet, cleansing self, adjusting clothes, managing catheters/ostomies, and managing incontinence episodes. 	
COMMENT:		
<input type="radio"/> 0 pts	No assistance needed OR only set up or supervision needed	
<input type="radio"/> 3 pts	Limited or moderate assistance needed, i.e. applicant or recipient performs more than 50% of tasks independently	
<input type="radio"/> 6 pts	Maximum assistance needed, i.e. applicant or recipient needs two (2) or more individuals, or more than 50% of weight-bearing assistance	
<input type="radio"/> 9 pts	Total dependence on others	

BATHING:	
<ul style="list-style-type: none"> Determine the amount of assistance the applicant or recipient needs with bathing. Bathing includes: taking a full body bath/shower and the transferring in and out of the bath/shower. 	
COMMENT:	
<input type="radio"/> 0 pts	No assistance needed OR only set up or supervision needed
<input type="radio"/> 3 pts	Limited or moderate assistance needed, i.e. applicant or recipient performs more than 50% of tasks independently
<input type="radio"/> 6 pts	Maximum assistance, i.e. applicant or recipient requires two (2) or more individuals, more than 50% of weight-bearing assistance OR total dependence on others
DRESSING AND GROOMING:	
<ul style="list-style-type: none"> Determine the amount of assistance needed by the applicant or recipient to dress, undress and complete daily grooming tasks 	
COMMENT:	
<input type="radio"/> 0 pts	No assistance needed OR only set up or supervision needed
<input type="radio"/> 3 pts	Limited or moderate assistance needed, i.e. applicant or recipient performs more than 50% of tasks independently
<input type="radio"/> 6 pts	Maximum assistance, i.e. applicant or recipient requires two (2) or more individuals, more than 50% of weight-bearing assistance OR total dependence on others
REHABILITATIVE SERVICES:	
<ul style="list-style-type: none"> Determine if the applicant or recipient has the following medically <u>ordered</u> rehabilitative services: Physical therapy/Occupational therapy/Speech therapy/Cardiac rehabilitation/Audiology. 	
TYPE OF PHYSICIAN-ORDERED REHABILITATIVE SERVICES AND FREQUENCY:	
COMMENT:	
<input type="radio"/> 0 pts	None of the above therapies ordered
<input type="radio"/> 3 pts	Any of the above therapies ordered 1 time per week
<input type="radio"/> 6 pts	Any of the above therapies ordered 2-3 times per week
<input type="radio"/> 9 pts	Any of the above therapies ordered 4 or more times per week
TREATMENTS:	
<ul style="list-style-type: none"> Determine if the applicant or recipient requires any of the following treatments: <ul style="list-style-type: none"> Catheter/Ostomy care Alternate modes of nutrition (tube feeding, TPN) Suctioning Ventilator/respirator Wound care (skin must be broken) 	
TYPE OF PHYSICIAN-ORDERED TREATMENT/COMMENT:	
<input type="radio"/> 0 pts	None of the above treatments were ordered by the physician
<input type="radio"/> 6 pts	One or more of the above treatments was ordered by the physician requiring daily attention by a license professional
MEAL PREPARATION:	
<ul style="list-style-type: none"> Determine the amount of assistance the applicant or recipient needs to prepare a meal. This includes planning, assembling ingredients, cooking, and setting out the food and utensils. 	
COMMENT:	
<input type="radio"/> 0 pts	No assistance needed OR only set up or supervision needed
<input type="radio"/> 3 pts	Limited or moderate assistance needed, i.e. applicant or recipient performs more than 50% of tasks
<input type="radio"/> 6 pts	Maximum assistance, i.e. an individual performs more than 50% of tasks for the applicant or recipient OR total dependence on others
MEDICATION MANAGEMENT:	
<ul style="list-style-type: none"> Determine the amount of assistance the applicant or recipient needs to safely manage their medications. Assistance may be needed due to a physical or mental disability. 	
COMMENT:	
<input type="radio"/> 0 pts	No assistance needed
<input type="radio"/> 3 pts	Set up help needed OR supervision needed OR limited or moderate assistance needed, i.e. applicant or recipient performs more than 50% of tasks
<input type="radio"/> 6 pts	Maximum assistance needed, i.e. an individual performs more than 50% of tasks for the applicant or recipient OR total dependence on others

	SAFETY: • Determine if the individual exhibits any of the following risk factors: • Vision Impairment • Falling • Problems with balance. Balance is moving to standing position, turning to face the opposite direction, dizziness, or unsteady gait • After determination of preliminary score, history of institutionalization and age will be considered to determine final score. • Institutionalization in the last 5 years - long-term care facility, mental health residence, psychiatric hospital, inpatient substance abuse, or settings for persons with intellectual disabilities. • Aged - 75 years and over.										
DATE OF LAST FALL:		TYPE OF INSTITUTIONALIZATION:									
TIMEFRAME OR DATE ADMITTED TO INSTITUTION:											
COMMENT:											
<input type="radio"/> 0 pts	No difficulty or some difficulty with vision AND no falls in last 90 days AND no recent problems with balance										
<input type="radio"/> 3 pts	Severe difficulty with vision (sees only lights and shapes) OR has fallen in the last 90 days OR has current problems with balance OR preliminary score of 0 AND Age OR Institutionalization										
<input type="radio"/> 6 pts	No vision OR has fallen in last 90 days AND has current problems with balance OR Preliminary score of 0 AND Age AND Institutionalization OR Preliminary score of 3 AND Age OR Institutionalization										
<input type="radio"/> 9 pts	Preliminary score of 6 AND Institutionalization										
<input type="radio"/> 18 pts	TRIGGER: Preliminary score of 6 AND Age OR Preliminary Score of 3 AND Age AND Institutionalization										
SECTION E.		REFERRING INDIVIDUAL COMPLETING APPLICATION									
FIRST AND LAST NAME:											
POSITION/TITLE:		TYPE OF ENTITY:									
NAME OF ENTITY:		TELEPHONE NUMBER:	EXT: FAX NUMBER:								
EMAIL ADDRESS:		DATE REFERRAL COMPLETED:									
CHECK IF SAME AS REFERRING INDIVIDUAL OR COMPLETE CONTACT PERSON IF LEVEL II SCREENING INDICATED: <input type="checkbox"/>		TELEPHONE NUMBER:	EXT:								
EMAIL:		FAX NUMBER:									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Central Office Use Only (DRL/COMRU)</td> </tr> <tr> <td colspan="2">Level of Care Determination by DRL Central Office</td> </tr> <tr> <td>MEETS LEVEL OF CARE</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>SIGNATURE</td> <td>DATE</td> </tr> </table>				Central Office Use Only (DRL/COMRU)		Level of Care Determination by DRL Central Office		MEETS LEVEL OF CARE	<input type="checkbox"/> Yes <input type="checkbox"/> No	SIGNATURE	DATE
Central Office Use Only (DRL/COMRU)											
Level of Care Determination by DRL Central Office											
MEETS LEVEL OF CARE	<input type="checkbox"/> Yes <input type="checkbox"/> No										
SIGNATURE	DATE										



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF SENIOR SERVICES AND REGULATION
**LEVEL ONE NURSING FACILITY PRE-ADMISSION SCREENING FOR
MENTAL ILLNESS/INTELLECTUAL DISABILITY OR RELATED CONDITION**

SECTION A. INDIVIDUAL'S IDENTIFYING INFORMATION

NAME (LAST, FIRST, MIDDLE, INITIAL, SUFFIX)		DATE OF BIRTH
DCN (MEDICAID NUMBER)		SSN NUMBER
RACE	GENDER	
EDUCATION LEVEL		OCCUPATION

SECTION B. INDIVIDUAL'S CONTACT INFORMATION

PREVIOUS RESIDENCE TYPE		
STREET ADDRESS		
CITY	STATE	ZIP CODE

LEGAL GUARDIAN OR DESIGNATED CONTACT PERSON INFORMATION

<input type="checkbox"/> None <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Designated Contact Person			
RELATIONSHIP	FIRST NAME	LAST NAME	
E-MAIL			
STREET ADDRESS			
CITY	STATE	ZIP	TELEPHONE

SECTION C. REFERRING INDIVIDUAL COMPLETING APPLICATION

FIRST NAME	LAST NAME
POSITION/TITLE	TYPE OF ENTITY
NAME OF ENTITY	PHONE NUMBER
EMAIL ADDRESS	FAX NUMBER

SECTION D. LEVEL ONE SCREENING CRITERIA FOR SERIOUS MENTAL ILLNESS

1. Does the individual show any signs or symptoms of a Major Mental Illness? ☐ Yes ☐ No
Signs/Symptoms: _____

2. Does the individual have a current, suspected or history of a Major Mental Illness as defined by the Diagnostic & Statistical Manual of Mental Disorders (DSM) current edition? ☐ Yes ☐ No

<input type="checkbox"/> Schizophrenia	<input type="checkbox"/> Schizoaffective Disorder	<input type="checkbox"/> Bipolar Disorder
<input type="checkbox"/> Psychotic Disorder	<input type="checkbox"/> Major Depressive Disorder	<input type="checkbox"/> Obsessive-Compulsive Disorder
<input type="checkbox"/> Dysthymic Disorder	<input type="checkbox"/> Panic Disorder	<input type="checkbox"/> PTSD
<input type="checkbox"/> Conversion Disorder	<input type="checkbox"/> Personality Disorder	<input type="checkbox"/> Mood Disorder
<input type="checkbox"/> Somatic Symptom Disorder	<input type="checkbox"/> Dissociative Identity Disorder	<input type="checkbox"/> Anorexia Nervosa or other eating disorders
<input type="checkbox"/> Anxiety Disorder	<input type="checkbox"/> Delusional Disorder	
<input type="checkbox"/> Other Mental Disorder in the DSM: _____		

3. Does the individual have any area of impairment due to serious mental illness? ☐ Yes ☐ No
(Record YES if any of the subcategories below are checked)

☐ None

☐ Interpersonal Functioning:
The individual has serious difficulty interacting appropriately and communicating effectively with other persons, has a possible history of altercations, evictions, unstable employment, fear of strangers, avoidance of interpersonal relationship and social isolation.

☐ Adaptation to Change:
The individual has serious difficulty in adapting to typical changes in circumstances associated with work, school, family or social interactions, agitation, exacerbated signs and symptoms associated with the illness or withdrawal from situations, self-injurious, self-mutilation, suicidal (ideation, gestures, threats or attempts), physical violence or threats, appetite disturbance, delusions, hallucinations, serious loss of interest, tearfulness, irritability or requires intervention by mental health or judicial system.

☐ Concentration/Persistence/and Pace:
The individual has serious difficulty in sustaining focused attention for a long enough period to permit the completion of tasks commonly found in work settings or in work-like structured activities occurring in school or home settings, difficulties in concentration, inability to complete simple tasks within an established time period, makes frequent errors or requires assistance in the completion of these tasks.

4. Within the last 2 years has the individual: (Record YES if Either/Both of the two subcategories below are checked) ☐ Yes ☐ No

☐ Experienced one psychiatric treatment episode that was more intensive than routine follow-up care (e.g. had inpatient psychiatric care; was referred to a mental health crisis/screening center; has attended partial care/hospitalization or has received Program of Assertive Community Treatment (PACT) or Integrated Case Management Services); and/or

☐ Due to mental illness, experienced at least one episode of significant disruption to the normal living situation requiring supportive services to maintain functioning while living in the community or intervention by housing or law enforcement officials?

Check yes, if treatment history for the past two years is unknown or treatment was unavailable but otherwise appropriate to consider individual positive for serious mental illness.

5. Does the individual have a substance related disorder? ☐ No ☐ Yes

Is the need for a skilled nursing facility placement associated with substance abuse?

☐ No ☐ Yes

When did the most recent substance abuse occur?

☐ N/A ☐ 1-30 days ☐ 31-90 days ☐ Unknown

6. Does the individual have a diagnosis of Major Neurocognitive Disorder (MNCD) i.e., dementia or Alzheimer's? ☐ Yes ☐ No

Were any of the following criteria used to establish the basis for the MNCD: ☐ N/A ☐ Yes ☐ No

Standardized Mental Status Exam (type) _____ Date Completed _____ Score _____

☐ Neurological Exam

☐ History and Symptoms

☐ Other Diagnostics: Specify _____

Has the Physician documented MNCD as the primary diagnosis OR that MNCD is more progressed than a co-occurring mental illness diagnosis? (Provide documentation if answered yes) ☐ N/A ☐ Yes ☐ No

SECTION E. LEVEL ONE SCREENING CRITERIA FOR INTELLECTUAL DISABILITY OR RELATED CONDITION

1. Is the individual known or suspected to have a diagnosis of Intellectual Disability that originated prior to age 18? ☐ Yes ☐ No

If Yes, indicated diagnosis: _____

2a. Does the individual have a suspected diagnosis or history of an Intellectual Disability/Related Condition? ☐ Yes ☐ No

<input type="checkbox"/> Autism	<input type="checkbox"/> Cerebral Palsy (CP)
<input type="checkbox"/> Epilepsy/Seizure/Convulsions	<input type="checkbox"/> Head Injury/Traumatic Brain Injury (TBI)
<input type="checkbox"/> Down Syndrome	<input type="checkbox"/> Spina Bifida
<input type="checkbox"/> Prader-Willi Syndrome	<input type="checkbox"/> Deaf or Blind
<input type="checkbox"/> Muscular Dystrophy	<input type="checkbox"/> Fetal Alcohol Syndrome
<input type="checkbox"/> Paraplegia	<input type="checkbox"/> Quadriplegia
<input type="checkbox"/> Other Related Conditions: _____	

2b. Did the Other Related Condition develop before age 22? ☐ N/A ☐ Unknown ☐ Yes ☐ No

Age/Date: _____

(Please provide the date/age of onset for each Related Condition indicated)

2c. Likely to continue indefinitely?

☐ N/A☐ Yes ☐ No

2d. Results in substantial functional limitation in three or more major life activities (Impacted prior to the age of 22)?

☐ No Functional Limitations☐ Self-Care☐ Capacity for Independent Living☐ Mobility☐ Learning☐ Understanding and Use of Language☐ Self-Direction**SECTION F. SPECIAL ADMISSION CATEGORIES**☐ **1 – Terminal Illness**

Expected to result in death in six months or less

Diagnosis: _____

Currently on Hospice: ☐ Yes (Provide hospice order) ☐ No☐ **2 – Serious Physical Illness**

Severe/end stage disease (or physical condition)

Diagnosis: _____

☐ **3 – Respite Care**Stays not more than thirty (30) days to provide relief for in-home caregiversThe client is going to be short term: ☐ Yes ☐ No

Reason for Respite Care: _____

☐ **4 – Emergency Provisional Admission**Must be hotlined. Stays not more than 7 days to protect person from serious physical harm to self and othersHotline must be reported to the Adult Abuse and Neglect Hotline (1-800-392-0210 or https://apps4.mo.gov/APS_Portal/)

Reason for Hotline: _____

☐ **5 – Direct Transfer from a Hospital**Stays not more than thirty (30) days for the condition for which the person is currently receiving hospital care.Must include the hospital history and physicalThe client is going to be short term: ☐ Yes ☐ No

Reason for Transfer: _____

What is the plan after 30 days? _____

SECTION G. PHYSICIAN'S AUTHORIZATION AND SIGNATURE

I attest that the information on these forms is complete and correct as known to me.

☐ Applicant is not currently a danger to self and others☐ Applicant is currently a danger to self and others

PHYSICIAN SIGNATURE

DATE

DISCIPLINE

LICENSE NUMBER



Missouri Department Of Health And Senior Services
Home and Community Based Services
InterRAI Home Care Assessment System (HC), © InterRAI
Level of Care Algorithm

Behavioral:

- E3a - Wandering
- E3c - Physical Abuse
- E3d - Socially Inappropriate / Disruptive
- E3e - Inappropriate Public Sexual Behavior
- E3f - Resists Care
- J3g - Abnormal Thought Process
- J3h - Delusions
- J3i - Hallucinations
- N7b - Mental Condition

If (N7b=1)
OR (E3a =1)
OR (E3c=1)
OR (E3d=1)
OR (E3e=1)
OR (E3f=1)
OR (J3g=1)
OR (J3h=1)
OR (J3i=1)
Then LOC = 3

If (N7b=2 or N7b=3)
OR (E3a=2 or E3a=3)
OR (E3c=2 or E3c=3)
OR (E3d=2 or E3d=3)
OR (E3e=2 or E3e=3)
OR (E3f=2 or E3f=3)
OR (J3g=2 or J3g=3 or J3g=4)
OR (J3h=2 or J3h=3 or J3h=4)
OR (J3i=2 or J3i=3 or J3i=4)
Then LOC = 6

If (N7b=2 or N7b=3)
AND
(E3a=3)
OR (E3c=3)
OR (E3d=3)
OR (E3e=3)
OR (E3f=3)
OR (J3g=3 or J3g=4)
OR (J3h=3 or J3h=4)
OR (J3i=3 or J3i=4)
Then LOC = 9



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Level of Care Algorithm

Cognition:

- C1 - Cognitive Skills
- C2a - Short Term Memory
- C2b - Procedural Memory
- C2c - Situational Memory
- C3c - Mental Function
- D1 - Making Self Understood
- D2 - Ability to Understand Others

If (C1=1 or C1=2)
AND
 (C2a=1)
OR (C2b=1)
OR (C2c=1)
OR (C3c=1 or C3c=2)
OR (D1=2 or D1=3 or D1=4)
OR (D2=2 or D2=3 or D2=4)
 Then LOC = 3

If (C1=3)
AND
 (C2a=1)
OR (C2b=1)
OR (C2c=1)
OR (C3c=1 or C3c=2)
OR (D1=3)
OR (D2=3)
 Then LOC = 6

If (C1=3)
AND
 (D1=4)
OR (D2=4)
OR
 (C1=4)
 Then LOC = 9

If (C1=5)
 Then LOC = 18 *TRIGGER

Mobility:

- G2f - Locomotion
- G2i - Bed Mobility
- G3a - Primary mode of locomotion



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If (G2f=3 or G2f=4)
OR
(G2i=3 or G2i=4)
Then LOC = 3

If (G2f=5)
OR
(G2i=5 or G2i=6)
Then LOC = 6

If (G3a=3)
OR
(G2f=6)
Then LOC = 18 *TRIGGER

Eating:

G2j - Eating
K2c - Therapeutic Diet

If (G2j=1 or G2j=2 or G2j=3)
OR
(K2c=1)
Then LOC = 3

If (G2j=4)
Then LOC = 6

If (G2j=5)
Then LOC = 9

If (G2j=6)
Then LOC = 18 *TRIGGER

Toileting:

G2g - Transfer Toilet
G2h - Toilet Use

If (G2g=3 or G2g=4)
OR
(G2h=3 or G2h=4)
Then LOC = 3

If (G2g=5)
OR



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Home and Community Based Services
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(G2h=5)
 Then LOC = 6

If (G2g=6)
OR
 (G2h=6)
 Then LOC = 9

Bathing:

G2a - Bathing

If (G2a=3 **or** G2a=4)
 Then LOC = 3

If (G2a=5 **or** G2a=6)
 Then LOC = 6

Dressing and Grooming:

G2b - Personal Hygiene
 G2c - Dressing Upper Body
 G2d - Dressing Lower Body

If (G2b=3 **or** G2b=4)
OR
 (G2c=3 **or** G2c=4)
OR
 (G2d=3 **or** G2d=4)
 Then LOC = 3

If (G2b=5 **or** G2b=6)
OR
 (G2c=5 **or** G2c=6)
OR
 (G2d=5 **or** G2d=6)
 Then LOC = 6

Rehabilitation:

N3ea - Physical Therapy
 N3fa - Occupational Therapy
 N3ga - Speech-Language Pathology and Audiology Services
 N3ia - Cardiac Rehabilitation

If (N3ca = 1)
OR



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(N3fa = 1)
OR
(N3ga = 1)
OR
(N3ia = 1)
Then LOC = 3

If (N3ea = 2 **or** N3ea = 3)
OR
(N3fa = 2 **or** N3fa = 3)
OR
(N3ga = 2 **or** N3ga = 3)
OR
(N3ia = 2 **or** N3ia = 3)
Then LOC = 6

If (N3ca = 4 **or** N3ea = 5 **or** N3ea = 6 **or** N3ea = 7)
OR
(N3fa = 4 **or** N3fa = 5 **or** N3fa = 6 **or** N3fa = 7)
OR
(N3ga = 4 **or** N3ga = 5 **or** N3ga = 6 **or** N3ga = 7)
OR
(N3ia = 4 **or** N3ia = 5 **or** N3ia = 6 **or** N3ia = 7)
Then LOC = 9

Treatments:

H1	-	Bladder Continence
H2	-	Urinary Collection Device
H3	-	Bowel Continence
K3	-	Mode of Nutrition
L1	-	Pressure Ulcer Severity
L3	-	Presence of Skin Ulcer
L4	-	Major Skin Problems
L5	-	Skin Tears or Cuts
N2g	-	Suctioning
N2h	-	Tracheostomy Care
N2j	-	Ventilator or Respirator
N2k	-	Wound Care

If (H1=1)
OR
(H2=1 **or** H2=2 **or** H2=3)
OR
(H3=1)
OR
(K3=5 **or** K3=6 **or** K3=7 **or** K3=8)



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OR
 (N2g=1 or N2g=2 or N2g=3 or N2g=4)
OR
 (N2h=1 or N2h=2 or N2h=3 or N2h=4)
OR
 (N2j=1 or N2j=2 or N2j=3 or N2j=4)
OR
 (N2k=1 or N2k=2 or N2k=3 or N2k=4)
AND
 (L1=2 or L1=3 or L1=4 or L1=5 or L1=6)
OR
 (L3=1)
OR
 (L4=1)
OR
 (L5=1)
 Then LOC = 6

Medication Management:

G1d - Managing Medications
 If (G1d=1 or G1d=2 or G1d=3 or G1d=4)
 Then LOC = 3
 If (G1d=5 or G1d=6)
 Then LOC = 6

Meal Preparation:

G1a - Meal Prep
 If (G1a=3 or G1a=4)
 Then LOC= 3
 If (G1a=5 or G1a=6)
 Then LOC = 6

Safety:

Part I – Determine if the individual exhibits any of the following risk factors.

D4 – Vision
 J1 – Falls
 J3a – Problem frequency to move to standing position
 J3b – Problem frequency to turn to face opposite direction
 J3c – Problem frequency for dizziness



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Home and Community Based Services
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Level of Care Algorithm**

J3d – Problem frequency for unsteady gait

If

(D4=3)
OR
(J1=1 **or** J1=2 **or** J1=3)
OR
(J3a=2 **or** J3a=3 **or** J3a=4)
OR
(J3b=2 **or** J3b=3 **or** J3b=4)
OR
(J3c=2 **or** J3c=3 **or** J3c=4)
OR
(J3d=2 **or** J3d=3 **or** J3d=4)
Then LOC = 3

If (D4=4)
OR (J1=1 **or** J1=2 **or** J1=3 **or** D4=3)
AND
(J3a=2 **or** J3a=3 **or** J3a=4)
OR
(J3b=2 **or** J3b=3 **or** J3b=4)
OR
(J3c=2 **or** J3c=3 **or** J3c=4)
OR
(J3d=2 **or** J3d=3 **or** J3d=4)
Then LOC = 6

Part II – After calculating the score in part 1, determine if the individual is age 75 or greater or has been previously institutionalized in the last 5 years in one of the settings outlined below. If so, increase the score as outlined to calculate the final safety score. If they do not have either of the additional risk factors, use the score calculated in part 1.

Previous institutionalizations include:

B4a - Long Term Care Facility
B4b - RCF/ALF
B4c - Mental Health Residence
B4d - Psychiatric Hospital or Unit
B4e - Settings for Persons with Intellectual Disability

If Safety Score of 0
AND
Age of 75 or greater
OR
Institutionalization
Then LOC = 3



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Home and Community Based Services
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Level of Care Algorithm

- If Safety score of 0
 AND
 Age of 75 or greater
 AND
 Institutionalization
 Then LOC =6
- If Safety Score of 3
 AND
 Age of 75 or greater
 OR
 Institutionalization
 Then LOC = 6
- If Safety Score of 3
 AND
 Age of 75 or greater
 AND
 Institutionalization
 Then LOC = 9
- If Safety score of 6
 AND
 Institutionalization
 Then LOC=9
- If Safety score of 6
 AND
 Age of 75 or greater
 Then LOC=18 * TRIGGER

*AUTHORITY: sections 192.006, 192.2000, and 198.079, RSMo 2016. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 12, 2021.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions three thousand dollars (\$3,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Steve Bollin, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570 or at RegulationUnit@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services**
Division Title: Division of Regulation and Licensure
Chapter Title: Certification

Rule Number and Name:	19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
(1) Department of Health and Senior Services, Division of Regulation and Licensure, Section for Long-Term Care Regulation	\$3,000 annually
TOTAL COSTS =	\$3000 annually

III. WORKSHEET**Section for Long-Term Care Regulation:**

The department received the following quote to maintain the REDCap online database system for referring individuals to input data from the required forms.

Monthly maintenance:

- \$250.00 per month to maintain the online database.

Calculation

- A. The costs for the department to have oversight/management of the online database system: \$250.00 per month.
1. Total cost for the SLCR to have oversight/management of the online database system: \$250.00 x 12 months = \$3,000 per annually.

IV. ASSUMPTIONS

The proposed amendment requires referring individuals to fill out and submit information contained in the department's Level One Nursing Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition and Nursing Facility Level of Care Assessment into the department's online database (REDCap) in order to determine level-of-care and appropriate placement in a long-term care facility for Title XIX applicants and recipients.

The public fiscal note does not include costs a referring individual may incur as a result of the time it may take the individual to enter required information into the department's online database because the current process takes much more time. Currently, the existing process takes more time because the forms do not contain the necessary information to complete the forms in their entirety which results in multiple contacts to obtain necessary information before it is considered complete. Also, some referring individuals handwrite the answers in the forms which takes more time.

The department does not believe there will be an increase in costs to public entities because the point count is being lowered from twenty-four (24) to eighteen (18) points. Additionally, we are changing the level-of-care categories from nine (9) to twelve (12) thereby increasing the probability for additional applicants and recipients to qualify for Title XIX funded long-term care services.

Division of Senior and Disability Services:

At this time, the department does not anticipate that there will be an increase or decrease to Medicaid costs as a result of this amendment. The department is lowering the score needed to qualify for level of care at the same time that it is changing qualification requirements related to level of care score. The department anticipates that there will be a shift in who qualifies for services with the most in need now qualifying for services. There will be a transition as some people who did not qualify in the past will now qualify for services and some people who qualified in the past will no longer qualify for services. The department anticipates the costs to Medicaid will be even as a result of this transition.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects
Chapter 8—Land Surveying**

PROPOSED AMENDMENT

20 CSR 2030-8.020 Professional Land Surveyor—Professional Development Units. The board is deleting subsection (1)(B).

PURPOSE: This rule is being amended to delete the contact hour requirement for professional development units.

(1) Each licensed professional land surveyor, as a condition for renewal of his/her license, shall complete a minimum of twenty (20) professional development units (PDUs) each two- (2-) year period immediately preceding renewal, except as provided in section (2) of this rule.

[(B) Of the twenty (20) professional development units in the two- (2-) year renewal period, not more than twelve (12) shall be obtained in nonpersonal contact activities. Nonpersonal contact activities include correspondence courses, video and televised courses, Internet and email courses, or other activities where the presenter is not in physical proximity to the attendee.]

AUTHORITY: section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-8.020. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 13, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED RULE

20 CSR 2220-2.425 Required Pharmacy Reporting

PURPOSE: The purpose of this rule is to establish requirements for reporting compounding information to the Missouri Board of Pharmacy to ensure compliance with state and federal law.

(1) Pharmacies located in Missouri that have distributed or dispensed compounded human drug preparations/products pursuant to prescriptions or medication orders in the previous calendar year, shall annually report the following information on a form provided by the board:

(A) The number of prescriptions or medication orders for compounded human drug preparations/products that the pharmacy distributed or dispensed interstate during the previous calendar year;

(B) The number of prescriptions or medication orders for compounded human drug preparations/products that the pharmacy dispensed (or caused to be dispensed) from the facility in which the drug preparations/products were compounded during the previous calendar year;

(C) The number of prescription or medication orders for compounded human drug preparations/products dispensed on-site at the pharmacy during the previous calendar year (e.g., picked up the patient or the patient's designee);

(D) The sum of the figures from subsections (1)(B) and (1)(C) above; and

(E) The quotient from dividing the figure in subsection (1)(A) by the figure from subsection (1)(D).

(2) If the figure in subsection (1)(E) is greater than 0.5, the pharmacy shall also report the following information:

(A) The total number of prescription or medication orders for sterile compounded human drugs distributed or dispensed interstate during the previous calendar year;

(B) A list of the states where the pharmacy was licensed during the previous calendar year; and

(C) A list of the states into which the pharmacy distributed compounded human drug preparations/products during the previous calendar year.

(3) The required information shall be reported no later than January 31, each calendar year.

(4) Notwithstanding the above, a pharmacy which participates in and reports all information required by this rule to the National Association of Boards of Pharmacy (NABP) Information Sharing Network shall not be required to also report to the board. Pharmacies reporting to NABP's Sharing Network shall notify the board no later than January 31 each calendar year that information required by this rule has been reported to NABP. A copy of information submitted to NABP pursuant to this rule shall be provided to the board or the board's authorized designee within five (5) business days of a request from the board or authorized board designee.

AUTHORITY: sections 338.010 and 338.140, RSMo Supp. 2020, and sections 338.240 and 338.280, RSMo 2016. Original rule filed Jan. 7, 2021.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately thirteen thousand eight hundred seventy-seven dollars and seventy-six cents (\$ 13,877.76) annually over the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Commerce and Insurance
Division Title: State Board of Pharmacy
Chapter Title: General Rules**

Rule Number and Title:	20 CSR 2220-2.425 Required Pharmacy Reporting
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
512	Missouri Resident Compounding Pharmacies	\$ 13,877.76 <i>in the aggregate recurring annually over the life of the rule</i>

III. ASSUMPTIONS/WORKSHEETS

The following general estimations were used to calculate private fiscal costs:

1. Further, the proposed rule is applicable only to Missouri located pharmacies. Based on licensing data for FY 2021, the Board estimates approximately 512 Missouri pharmacies would be required to annually report and maintain records pursuant to the rule.
2. The Board further estimates approximately 90-minutes of administrative support staff time would be needed to complete the required tracking/reporting of compounding data, with an estimated hourly salary of \$ 18.07 based on 2019 data from the United States Bureau of Labor Statistics Occupational Employment and Wages. Significantly, Missouri compounding pharmacies are currently required to maintain compounding and prescription records which could be manually or electronically modified to meet rule requirements.
3. Accordingly, the Board estimates an aggregate private fiscal impact of \$ 13,877.76, recurring annually over the life of the rule (\$18.07 administrative support staff hourly salary x 90-minute estimated compliance time x 512 compounding pharmacies subject to the rule).
4. Total estimated costs may vary with inflation and increase at the rate projected by the Legislative Oversight Committee and the Internal Revenue Service.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2234—Board of Private Investigator and Private Fire Investigator Examiners
Chapter 6—Continuing Education Requirements—Private Investigators and Agency Investigator Employees

PROPOSED AMENDMENT

20 CSR 2234-6.010 Continuing Education. The board is amending the chapter title and sections (1), (3), and (4).

PURPOSE: The board is amending subsection (3)(A) which adds the other affected profession of licensed agency investigator employee, subsection (3)(B) adds language allowing the automatic approval of any POST approved course as meeting the CE requirement, and subsection (4)(F) exempts the CE requirement for first time licensees during their first renewal period.

(1) Continuing Education Courses.

(A) Attendance at continuing education courses is required [by law] to renew private investigator licenses.

(3) Special Approval of Courses.

(A) Any licensed private investigator or licensed agency investigator employee may petition the board to approve a particular course that he or she has attended or may attend that is offered by a person who has not complied with this board's continuing education rules.

1. The application shall be accompanied by the individual course review fee.

2. The materials set out in subsection (1)(B) of this rule should accompany the application. If any of the materials set out in subsection (1)(B) of this rule are not available, the applicant may provide supplemental material. The board may decline to approve the course for lack of sufficient information.

3. Proof of attendance, or a proposal for establishing proof of attendance, shall be included with the application.

(B) Any licensed private investigator or licensed agency investigator employee may submit evidence of a completed Peace Officer Standards and Training Program (POST) approved course for continuing education credit without submitting an individual course review application and fee.

(4) Continuing Education Reporting Period.

(A) Every private investigator licensed in Missouri shall, on or before February 28, 2014, and every two (2) years thereafter, obtain and report to the board proof of completion of sixteen (16) continuing education hours.

1. Private Investigators are not required to obtain and report evidence of continuing education hours within their first renewal reporting cycle.

2. Agency Investigator Employees are not required to obtain and report evidence of continuing education hours within their first renewal reporting cycle.

(F) Licensees who attend an open meeting session of the Missouri Board of Private Investigator and Private Fire Investigator Examiners will receive one (1) hour of continuing education credit. To qualify, licensees must sign in at the beginning of the open meeting session and sign out at the end of the open meeting session. This continuing education credit does not qualify as directly related to the updating and maintaining of knowledge and skills in conducting private investigation business.

AUTHORITY: sections 324.1122, 324.1126, and 324.1138, RSMo [Supp. 2013] 2016. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014. Amended: Filed Jan. 5, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Private Investigator and Private Fire Investigator Examiners, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by fax at (573) 526-0661, or via email at pi@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade “A” Pasteurized Milk Regulations

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2016, the board amends a rule as follows:

2 CSR 80-2.190 State Milk Board Grade “A” Milk Policies is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1564). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 100—Office of Quality Schools

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 160.400 and 161.092, RSMo 2016, and section (2)(A) of Art. IX, Mo. Const., the board rescinds a rule as follows:

5 CSR 20-100.250 Charter Schools is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1406). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2020, the board amends a rule as follows:

5 CSR 20-400.640 Certification Requirements for Initial Student Services Certificate is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1407-1410). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after the publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on this proposed amendment.

COMMENT: The Missouri Association of School Psychologists (MASP) supports this proposed change to a single K-12 school counselor certificate, instead of the current certification (either K-6 or 7-12). This proposed change to a K-12 counselor certification offers greater ease of hiring and ensures that school districts have fully certified candidates. MASP also supports the changes required in part (1)(B)3.A.(II), Field and Clinical Experiences.

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 70—Division of Alcohol and Tobacco Control Chapter 2—Rules and Regulations

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.660, RSMo 2016, the division amends a rule as follows:

11 CSR 70-2.030 Change of Facts, Posting, Transfer, and Lost Licenses—Executors—Administrators is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1341). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 70—Division of Alcohol and Tobacco Control
Chapter 2—Rules and Regulations**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.660, RSMo 2016, the division amends a rule as follows:

11 CSR 70-2.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1341-1342). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received one (1) comment on the proposed amendment.

COMMENT #1: Clayton Weems, with the Division of Alcohol and Tobacco Control, stated that the proposed language in 11 CSR 70-2.060 should be modified to mirror the language in 11 CSR 70-2.120 in order to be consistent, mitigate potential confusion, and to make it easier for ATC to enforce.

RESPONSE AND EXPLANATION OF CHANGE: New section (4) will be changed to mirror the language in 11 CSR 70-2.120 as it relates to manufacturers.

11 CSR 70-2.060 Manufacturers

(4) Applicants for a manufacturing license shall provide a copy of a certificate demonstrating successful completion of a health inspection with their license application. No such applicant may be granted a manufacturer license without such a certificate, subject to the following exceptions:

(A) If an applicant does not have a health inspection certificate on the day they file their license application, they may submit a written statement with their application stating that they will provide a copy of their health inspection certificate within ten (10) days of the issuance of that certificate. Failure to provide a copy of the health certificate within ten (10) days of issuance may result in disciplinary action; and

(B) If a state or local health authority determines that an applicant does not need a health inspection, the applicant may submit documentation from said state or local health authority showing that the applicant does not need a health inspection in lieu of a health inspection certificate.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 70—Division of Alcohol and Tobacco Control
Chapter 2—Rules and Regulations**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.660, RSMo 2016, the Division of Alcohol and Tobacco Control amends a rule as follows:

11 CSR 70-2.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1342). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received five (5) comments on the proposed amendment.

COMMENT #1: Ronald Leone, with the Missouri Petroleum Marketers and Convenience Store Association, noted that the proposed language is unnecessary, confusing, and unfairly adds unnecessary regulatory burden to the applicant.

RESPONSE AND EXPLANATION OF CHANGE: The language has been adjusted to make the intent of the proposed amendment clear and to alleviate any confusion. The language does not place a new regulatory burden on the applicant because it requires submission of a copy of the health inspection certificate that the applicant is already required to obtain by Department of Health and Senior Services (DHSS) standards.

COMMENT #2: Ronald Leone, with the Missouri Petroleum Marketers and Convenience Store Association, requested that all of the proposed new language be deleted, or alternatively, change the ten (10) day requirement to thirty (30) days.

RESPONSE: The ten (10) day requirement will remain to stay consistent with section 311.220, RSMo, which requires the city or county license to be submitted to the division within ten (10) days of receipt.

COMMENT #3: Ronald Leone, with the Missouri Petroleum Marketers and Convenience Store Association, questioned if a licensee has the same rights with a license conditioned on providing a health inspection certificate within ten (10) days as a license that does not have such a conditional license.

RESPONSE AND EXPLANATION OF CHANGE: The language has been revised to remove the requirement to request a conditional license. There is no difference between a conditional license and a regular license, so the division removed this language to alleviate any confusion or concern.

COMMENT #4: Clayton Weems, with the Division of Alcohol and Tobacco Control, requested that the proposed language be modified to clarify that only retailers who prepare or permit the consumption of alcoholic beverages are impacted, make the language easier for applicants and licensees to understand, and make the language easier for ATC to interpret and enforce.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised to provide simplicity and clarification, and to limit the rule to retailers who prepare and permit the consumption of alcohol on their premise, which is the intent of this proposed amendment.

COMMENT #5: Clayton Weems, with the Division of Alcohol and Tobacco Control, requested to add additional language to exclude retailers who don't need a health inspection from DHSS, and to exclude event-based retailers from this requirement.

RESPONSE AND EXPLANATION OF CHANGE: The language was revised to add these exceptions. Event-based retailers would not need a health inspection, and the division would not require a health inspection if DHSS does not require one.

11 CSR 70-2.120 Retail Licensees

(1) Sanitary Premises.

(B) Applicants for a retail liquor license who prepare or pour

intoxicating liquor as defined in section 311.020, RSMo, or permit the consumption thereof on their premises shall provide a copy of a certificate demonstrating successful completion of a health inspection with their license application. No such applicant may be granted a retail liquor license without such a certificate, subject to the following exceptions:

1. If an applicant does not have a health inspection certificate on the day they file their license application, they may submit a written statement with their application stating that they will provide a copy of their health inspection certificate within ten (10) days of the issuance of that certificate. Failure to provide a copy of the health inspection certificate within ten (10) days of issuance may result in disciplinary action;

2. If a state or local health authority determines that an applicant does not need a health inspection, the applicant may submit documentation from said state or local health authority showing that the applicant does not need a health inspection in lieu of a health inspection certificate; and

3. This regulation does not apply to any applicant seeking a temporary license.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 70—Division of Alcohol and Tobacco Control
Chapter 3—Tobacco Regulations**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 407.934, RSMo 2016, the division adopts a rule as follows:

11 CSR 70-3.020 Use of Minors in Enforcement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 15, 2020 (45 MoReg 1342-1343). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-20.200 Drug Prior Authorization Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1660-1662). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.175, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 70-20.300 Retrospective Drug Use Review Process
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1663-1664). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 25—Physician Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under section 208.152, RSMo Supp. 2020, and sections 208.201 and 660.017, RSMo 2016, the division adopts a rule as follows:

13 CSR 70-25.140 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1412-1420). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, MO HealthNet Division (MHD) received eleven (11) comments on the proposed rule.

COMMENT #1: Brooke Sweeney, Medical Director, Children's Mercy Kansas City recommended modification of paragraph (5)(A)1. to allow a twelve (12) month re-enrollment clause for children. This clause currently exists for only adult participants in subparagraph (5)(A)2.F.

RESPONSE AND EXPLANATION OF CHANGE: MHD has removed subparagraphs (5)(A)1.F. and (5)(A)2.F., and has created subsection (5)(B) to apply the twelve (12) month re-enrollment clause to both children and adults.

COMMENT #2: Brooke Sweeney, Medical Director, Children's Mercy Kansas City recommended clarifying the definition of Medical Nutrition Therapy (MNT) in paragraph (1)(A)4. by adding the word "licensed" prior to "registered dietitian." This makes the definition consistent with the MNT provider requirements in paragraph (2)(B)1.

RESPONSE AND EXPLANATION OF CHANGE: MHD has clarified the definition of Medical Nutrition Therapy in paragraph (1)(A)4. by adding "licensed" prior to "registered dietitian."

COMMENT #3: Brooke Sweeney, Medical Director, Children's Mercy Kansas City recommended replacing the semicolon at the end

of subsection (2)(D) with a period, since subsection (2)(E) is a stand-alone provision under this section.

RESPONSE AND EXPLANATION OF CHANGE: MHD has replaced the semicolon at the end of subsection (2)(D) and replaced it with a period.

COMMENT #4: Paul Petry, Medical Director of Pediatrics, Freeman Health System commented in support of the proposed rule, saying that the expansion of treatment options covered by Medicaid for patients diagnosed with obesity would be a welcome addition.

RESPONSE: MHD appreciates the comment.

COMMENT #5: Yalaka Huyette, President, Missouri Academy of Nutrition and Dietetics requested a modification to the definition of Medical Nutrition Therapy (MNT) in paragraph (1)(A)4. by changing the provider reference to “licensed registered dietitian or registered dietitian nutritionist,” and to also modify the provider requirements in the MNT paragraph (2)(B)1. to read: “Have a current license to practice as a Licensed Registered Dietitian or Registered Dietitian Nutritionist in the state in which they practice.”

RESPONSE AND EXPLANATION OF CHANGE: MHD has added “Licensed registered dietitian or registered dietitian nutritionist” to the definition in paragraph (1)(A)4., and to paragraph (2)(B)1. Subparagraph (5)(A)2.F. was removed and the information was moved to a separate subsection in the regulation to give an additional twelve (12) month re-enrollment clause to both children and adults.

COMMENT #6: Yalaka Huyette, President, Missouri Academy of Nutrition and Dietetics recommended a twelve (12) month re-enrollment clause for children be added to paragraph (5)(A)1.

RESPONSE AND EXPLANATION OF CHANGE: Concurrent with its response to Comment #1, MHD has removed subparagraphs (5)(A)1.F. and (5)(A)2.F., and has created subsection (5)(B) to apply the twelve (12) month re-enrollment clause to both children and adults.

COMMENT #7: Kristin Sohl, President, Missouri Chapter of American Academy of Pediatrics requested an additional twelve (12) month re-enrollment clause for children as it is for adults in subparagraph (5)(A)2.F.

RESPONSE AND EXPLANATION OF CHANGE: Concurrent with its response to Comments #1 and #6, MHD has removed subparagraphs (5)(A)1.F. and (5)(A)2.F., and has created subsection (5)(B) to apply the twelve (12) month re-enrollment clause to both children and adults.

COMMENT #8: Kristen Thompson, Director of Pediatric Integration, Burrell Behavioral Health Center wrote to express her strong support for this proposed rule.

RESPONSE: MHD appreciates the comment.

COMMENT #9: Eric Martin, Director of Behavioral Health Services, MO HealthNet Division recommended updating the incorporation by reference of the Physician Provider Manual in section (1) to the most current version, which is December 27, 2019.

RESPONSE AND EXPLANATION OF CHANGE: MHD has updated the date of the incorporated Physician Provider Manual in section (1) to December 27, 2019.

COMMENT #10: Eric Martin, Director of Behavioral Health Services, MO HealthNet Division recommended changing the term “families and youth” to “families or youth,” and to change the word “diagnosis” to “diagnoses” in subparagraph (2)(B)3.B. The commenter also recommended changing the phrase “The provider has documentation...” to “The provider will have documentation...” in subparagraph (2)(B)3.C. The commenter also recommended changing “Medicaid” to “MO HealthNet” in subsection (2)(E).

RESPONSE AND EXPLANATION OF CHANGE: MHD made

the recommended changes.

COMMENT #11: Eric Martin, Director of Behavioral Health Services, MO HealthNet Division, recommended clarifying the language in subparagraphs (5)(A)1.B. and (5)(A)2.B. by changing the phrase “Upon completion of the month six (6) of services...” to “Upon completion of the six (6) month period of services.”

RESPONSE AND EXPLANATION OF CHANGE: MHD made the recommended changes.

13 CSR 70-25.140 Biopsychosocial Treatment of Obesity for Youth and Adults

(1) Administration. The MO HealthNet Division, Department of Social Services, shall administer Biopsychosocial Treatment of Obesity for Youth and Adult participants. Biopsychosocial treatment of obesity services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the MO HealthNet Division and shall be included in the *MO HealthNet Physician Provider Manual* and *Behavioral Health Services Manual*, which are incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at, <http://manuals.momed.com/manuals>, December 27, 2019. This rule does not incorporate any subsequent amendments or additions. Biopsychosocial treatment of obesity services covered by the MO HealthNet program shall include only those which are shown to be medically necessary.

(A) In the administration of the rule, the following definitions are used:

1. “Biopsychosocial Treatment of Obesity” means using a combination of obesity screenings, Medical Nutrition Therapy (MNT), and Intensive Behavioral Therapy (IBT) to promote life style changes leading to weight loss in adult and youth participants.

A. “Adult Intensive Behavioral Therapy (IBT)” means obesity management by utilizing intensive multicomponent, behavior-based weight loss interventions that promote and sustain weight loss in adult participants.

B. “Youth Intensive Behavioral Therapy (IBT)” means obesity management by utilizing comprehensive, intensive behavior-based weight loss interventions that can include multi-component family-based behavioral treatment (FBT) interventions tailored to participant needs targeting both the parent/guardian and the youth;

2. “Body Mass Index (BMI)” means a measure that relates body weight to height and is calculated by dividing weight in kilograms (kg) by the square of height in meters (expressed in kg/m²).

A. “Body Mass Index (BMI) Percentile” means the range of BMI values as expressed in percentiles for age and gender as plotted on the pediatric BMI chart.

B. “Pediatric Body Mass Index (BMI) Chart” means a graphic display of normal progressive changes in body mass index for the pediatric population ages two (2) to twenty (20) years of age;

3. “Consultation” for the purpose of this rule means the experienced behavioral health clinician who meets provider requirements for Intensive Behavioral Therapy (IBT) outlined in this regulation support and evaluate the newly certified provider’s competency in delivery of behaviorally based intervention for patients diagnosed with obesity;

4. “Medical Nutrition Therapy (MNT)” means nutritional diagnostic, therapy, and counseling services furnished by a licensed registered dietitian or registered dietitian nutritionist, and includes a review of nutritional health, eating habits, and development of an individualized nutrition plan; and

5. “Qualified University” means a United States regionally accredited college, university, or foreign equivalent, or an academic university-based medical center affiliated with such a university.

(2) Provider Participation. To be eligible to provide services for the MO HealthNet Biopsychosocial Treatment of Obesity Program—

(B) Provider Requirements for MNT. In order to provide medical nutrition therapy for obesity a provider is required to meet the following criteria:

1. Have a current license to practice as a Licensed Registered Dietitian or Registered Dietitian Nutritionist in the state in which they practice;

2. The Provider will need to obtain one (1) of the following specialist certificates in order to provide MNT for treatment of obesity:

A. Certificate of Training in Adult Weight Management Program;

B. Certificate of Training in Obesity Interventions for Adults;

C. Certificate of Training in Child and Adolescent Weight Management; or

D. Completion of a qualified training program that provides professional medical nutrition therapy training addressing obesity and weight management treatment for participant population(s) served;

3. A licensed provider may provide MNT without a certificate as listed above if the provider meets the following criteria:

A. The provider has maintained a dietitian license credential for a minimum of two (2) years;

B. The provider has a minimum of two thousand (2,000) hours of specialty practice experience delivering weight management behavioral treatment for individuals and/or families or youth with obesity diagnoses within the past five (5) years; and

C. The provider will have documentation of a minimum of six (6) hours of obesity or weight management CEUs or professional equivalent post receipt of license credential;

(D) Continuing Education Unit (CEU) requirement. The provider must maintain six (6) hours of obesity or weight management CEUs or professional equivalent every two (2) years for the patient population served, either youth or adult or both.

1. The required evaluation and documentation on compliance with certification standards post completion of a qualified training program from an experienced provider does not count toward the six (6) hours of CEUs.

(E) The provider must meet the provider qualifications outlined in this regulation in order to bill MO HealthNet for the service.

(5) Biopsychosocial Treatment of Obesity Services.

(A) Biopsychosocial Treatment of Obesity Services provide integrated medical nutrition therapy and behavioral health services, coordinated by the primary care or referring physician, or other licensed practitioner of healing, to facilitate behavior changes to manage obesity and associated co-morbidities. Biopsychosocial treatment of obesity for youth and adult participants requires a referral and a prescribed service in the participant's plan of care from a prescribing provider as part of an office visit for evaluation and management. The prescribing provider must obtain prior authorization from MO HealthNet before the participant starts receiving services. A prescribing provider is defined as a physician or other licensed practitioner of healing arts within the scope of authorized practice under State law.

1. Service structure for youth participants.

A. Biopsychosocial Treatment of Obesity Youth Services include a six (6) month period of intervention that allows a maximum of four (4) hours of individual IBT and twenty-two (22) hours of group IBT for a total of twenty-six (26) hours of IBT and one (1) hour and forty-five (45) minutes of MNT.

B. Upon completion of the six (6) month period of services, the dietitian and behavioral health provider shall make recommendations to the prescribing provider regarding continuation of services based on the continuation criteria set forth by MO HealthNet. The prescribing provider shall make the final determination for the participant to continue with the services based on the participant meeting the continuation criteria and shall request prior authorization for the additional six (6) months of services.

C. Continuation Criteria for the youth participant months

seven (7) through twelve (12) include the following:

(I) The youth participant must meet whichever is lesser of the three (3) youth benchmarks listed below, at the end of month six (6) of services—

(a) A decrease in their BMI chart percentile to less than the ninety-fifth (95th) percentile or five percent (5%) of body weight;

(b) The youth participants that had a BMI percentile at the beginning of treatment >99th percentile, shows a decrease of nine (9) units in percentage above the ninety-fifth (95th) percentile (as calculated by age and gender norms of the CDC BMI percentile curve); or

(c) Weight stabilization (defined as ± 0.5 BMI units); and

(II) If the youth participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g., endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s).

D. Continuation of Biopsychosocial Treatment of Obesity Youth services for months seven (7) through twelve (12) include an additional one (1) hour of individual IBT and two (2) hours of group IBT for a maximum of three (3) hours of IBT; and an additional thirty (30) minutes of MNT.

E. Providers are able to structure the services in order to meet the individual needs of the participant within the maximum allowable service structure. The total annual limit for services for the youth participant is twenty-nine (29) hours for IBT and two (2) hours and fifteen (15) minutes for MNT.

2. Service structure for adult participants—

A. Biopsychosocial Treatment of Obesity Adult Services include a six (6) month period of intervention that allows a maximum of three (3) hours of individual behavior therapy and nine (9) hours of group behavior therapy for a total of twelve (12) hours of behavior therapy and one (1) hour forty-five (45) minutes of MNT;

B. Upon completion of the six (6) month period of services, the dietitian and behavioral health provider shall make recommendations to the prescribing provider regarding continuation of services based on the continuation criteria set forth by MO HealthNet. The prescribing provider shall make the final determination for the participant to continue with the services based on the participant meeting the continuation criteria and shall request prior authorization for the additional six (6) months of services;

C. Continuation Criteria for the adult participant months seven (7) through twelve (12) include the following:

(I) The adult participant must meet the adult benchmark of a reduction in body weight of five percent (5%) at the end of month six (6) of services; and

(II) If the adult participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g. endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s);

D. Continuation of Biopsychosocial Treatment of Obesity Adult services for months seven (7) through twelve (12) include an additional one (1) hour of individual IBT and two (2) hours of group IBT for a maximum of three (3) hours of IBT; and an additional thirty (30) minutes of MNT;

E. Providers are able to structure the services in order to meet the individual needs of the participant within the maximum allowable service structure. The total annual limit for services for the adult participants is fifteen (15) hours for behavior therapy and two (2) hours fifteen (15) minutes for medical nutritional therapy; and

F. If the participant does not notify the provider of absences and has missed two (2) or more sessions, the provider may reevaluate the need for further services.

(B) A participant that is unable to meet the continuation criteria for the additional six (6) months of Biopsychosocial Treatment of

Obesity services has the option, after twelve (12) months, to re-enroll for services if the participant meets the established criteria and has an approved prior authorization.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 99—Comprehensive Day Rehabilitation

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under section 208.152, RSMo Supp. 2020, and sections 208.153, 208.164, 208.201, 208.631, 208.633, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-99.010 Comprehensive Day Rehabilitation Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1664). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 1—Organization

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 536.023.3, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-1.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 16, 2020 (45 MoReg 1792-1793). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The secretary of state received one (1) comment on the proposed amendment.

COMMENT #1: Human Resources staff commented that paragraph (1)(A)3. includes language that is no longer valid due to a change in Chapter 36 of Missouri Revised Statutes that removes the merit system process.

RESPONSE AND EXPLANATION OF CHANGE: The secretary of state agrees with staff's suggestions and removed the language that conflicts with the changes to Chapter 36, RSMo.

15 CSR 30-1.010 General Organization

(1) The Office of Secretary of State has many diverse responsibilities. The office collects, compiles, stores, and publishes a variety of state documents. The secretary of state is the chief elections official. The secretary of state oversees several areas relating to state commerce, such as administration of the Uniform Commercial Code and registration of corporations and securities. In addition, the secretary of state is the keeper of the Great Seal of the State of Missouri and authenticates official acts of the governor. Except where otherwise noted, the general mailing address is: 600 West Main Street, PO Box 1767, Jefferson City, MO 65102. Functions of the office are divided

into seven (7) divisions: Elections, Securities, Business Services, Library Services, Records Services, Administrative Rules, and Administrative Services. The executive deputy secretary of state is second-in-command and is charged by law with implementing the policies and procedures of the secretary of state and supervising the day-to-day operations of certain phases of the office. The executive deputy secretary of state shall possess all the powers and perform any of the duties prescribed by law to be performed by the secretary of state when and for such period of time as the secretary of state may designate. The divisions of the office are as follows:

(A) State Library. The State Library is composed of the state librarian and two (2) sections: Library Development and Reference Services. The State Library promotes and encourages library services, continuing education, resource sharing, technology, program planning, needs assessment, and evaluation; provides counsel, advice, and continuing education to library boards; and ensures library and information services to diverse populations through libraries. It also receives federal grants including Library Services and Technology Act (LSTA) program, prepares reports, keeps records, and directs information about federal programs to libraries in the state. Information may be obtained from the state librarian in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at mostlib@sos.mo.gov, by fax at (573) 751-3612, or by telephone at (573) 522-4036 or (800) 325-0131.

1. The State Library Development section produces informative publications, brochures, newsletters, and other publications for the Missouri library community, coordinates all activities of the Missouri Center for the Book, works with statewide and local literacy organizations, and consults with libraries on the development of literacy programs. It administers federal and state grants and the privately funded grants or projects. Other programs include library automation and technology; library administration and management; state and community partnerships; youth and senior services; and the State Census Data Center. Information may be obtained from this section in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at mostlib@sos.mo.gov, by fax at (573) 751-3612 or by telephone at (573) 522-4036 or (800) 325-0131.

2. The State Library Reference Services section provides library and information services, reference services, and research to government officials, agencies, and employees. It also administers the federal and state documents programs. Information may be obtained from this section in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at libref@sos.mo.gov, by fax at (573) 751-3612 or by telephone at (573) 751-3615.

3. Wolfner Library provides public library services and administers library materials, equipment, and information services to persons unable to use standard print. Information may be obtained from this section in person on the second floor of the James C. Kirkpatrick State Information Center, by written request to PO Box 387, Jefferson City, MO 65102, by email at wolfner@sos.mo.gov, by fax at (573) 751-3612 or by telephone at (573) 751-8720 or instate toll free (800) 392-2614;

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects
Chapter 4—Applications

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and

Professional Landscape Architects under section 327.041, RSMo 2016, the board rescinds a rule as follows:

20 CSR 2030-4.055 Criteria to File Application under section 324.008.1., RSMo, for a Temporary Courtesy License
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1664-1665). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2063—Behavior Analyst Advisory Board
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Behavior Analyst Advisory Board under section 337.310, RSMo 2016, the board amends a rule as follows:

20 CSR 2063-1.015 Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1665-1666). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2200—State Board of Nursing
Chapter 4—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2020, the board amends a rule as follows:

20 CSR 2200-4.010 Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1667-1668). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under

sections 338.140 and 338.215, RSMo Supp. 2020, the board adopts a rule as follows:

20 CSR 2220-2.680 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1611-1615). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Representatives from TelePharm and Cardinal Health jointly submitted three (3) comments on the proposed rule.

COMMENT #1: TelePharm and Cardinal Health indicated subsection (4)(A) of the proposed rule mistakenly states the pharmacist-in-charge of the Class R pharmacy must visit the remote dispensing site weekly during the first month of operation to verify compliance and monthly thereafter. The commenters suggested the intent of sections 338.215.3 and 338.215.8, RSMo, is to allow *any* pharmacist employed by the Class R supervising pharmacy to perform these activities and asked the board to amend subsection (4)(A) to reflect this intent.

RESPONSE: Section 338.215.3 provides that a remote dispensing site pharmacy shall be under the supervision and control of a supervising pharmacist employed by the supervising pharmacy. The term supervising pharmacist is not defined in section 338.215, RSMo, and does appear to be used in a different manner in distinct parts of section 338.215, RSMo. Since the pharmacist-in-charge is responsible and statutorily held accountable for the compliance with dispensing requirements at the Class R pharmacy along with the supervising pharmacy, the board believes it is appropriate for the pharmacist-in-charge of the Class R site to conduct the visits required under the statute and rule. No changes have been made in response to this comment.

COMMENT #2: TelePharm and Cardinal Health contend that the intent of section 338.215, RSMo, was to allow any pharmacy who shares common ownership with a remote dispensing site pharmacy to oversee/supervise dispensing activity at a Class R site. In line with this construction, the commenters suggested amending subsection (4)(D) of the rule to provide that a Class R site may be remotely supervised by a pharmacist at “a” supervising pharmacy rather than “the” supervising pharmacy. TelePharm and Cardinal Health suggest use of “the” supervising pharmacy throughout the rule implies that a Class R site cannot have multiple supervising pharmacies as the legislature intended.

RESPONSE: The board disagrees with the proposed statutory construction and interprets section 318.215, RSMo, to allow only one (1) supervising pharmacy per Class R remote dispensing site. No changes have been made in response to the comment.

COMMENT #3: TelePharm and Cardinal Health suggested the board amend subsection (2)(B) by eliminating the factors the board listed for consideration in granting a waiver of the ten (10) mile distance requirement between a Class R remote dispensing site pharmacy and an existing pharmacy. The commenters stated the factors are more restrictive than section 338.215.7, RSMo, which only requires an applicant to demonstrate how the proposed remote site dispensing pharmacy will promote public health.

RESPONSE AND EXPLANATION OF CHANGE: The factors listed in subsection (2)(B) all relate to how the dispensing site pharmacy will promote public health, and will provide guidance to applicants. However, the board will amend the section to emphasize that the primary inquiry is whether the proposed site will promote public health.

20 CSR 2220-2.680 Class R-Remote Dispensing Site Pharmacy

(2) A Class R pharmacy permit is required for any Missouri location

operating, or offering to operate, as a remote dispensing site pharmacy in Missouri. Applications for a Class R permit must be submitted on a form approved by the board with the pharmacy permit fee, in accordance with 20 CSR 2220-2.020.

(B) Class R pharmacies must be located at least ten (10) miles away from an existing retail pharmacy unless the Class R pharmacy is part of a community mental health center, federally qualified health center, rural health clinic, or outpatient clinic setting. Requests to waive the mileage requirement may be submitted to the board in writing along with documentation demonstrating how the proposed remote dispensing site pharmacy will promote public health. The board will consider the following factors when determining whether to grant a waiver request:

1. The availability of pharmacy services in the proposed pharmacy area;
2. The nature of proposed Class R pharmacy services;
3. Benefits or risks to patient care;
4. The applicant's and supervising pharmacy's experience and compliance history; and
5. Any other factor that may benefit or adversely impact public health.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2232—Missouri State Committee of Interpreters Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328, RSMo 2016, the committee amends a rule as follows:

20 CSR 2232-2.010 Application for Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1669). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2232—Missouri State Committee of Interpreters Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328, RSMo 2016, the committee amends a rule as follows:

20 CSR 2232-2.020 Application for Temporary License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1669). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2232—Missouri State Committee of Interpreters Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328, RSMo 2016, the committee amends a rule as follows:

20 CSR 2232-2.030 Name and Address Change, License Renewal, and Inactive License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1669-1670). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2234—Board of Private Investigator and Private Fire Investigator Examiners Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-1.050 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1670-1671). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2234—Board of Private Investigator and Private Fire Investigator Examiners Chapter 2—Private Investigator and Private Fire Investigator

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-2.010 Application for Licensure—Private Investigator is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1672). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2234—Board of Private Investigator and
Private Fire Investigator Examiners
Chapter 2—Private Investigator and Private Fire
Investigator**

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-2.015 Application for Licensure—Private Fire Investigator **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1672-1673). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2234—Board of Private Investigator and
Private Fire Investigator Examiners
Chapter 3—Private Investigator Agency and
Private Fire Investigator Agency**

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-3.010 Application for Licensure—Agency **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1673). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2234—Board of Private Investigator and
Private Fire Investigator Examiners
Chapter 3—Private Investigator Agency and
Private Fire Investigator Agency**

ORDER OF RULEMAKING

By the authority vested in the Board of Private Investigator and

Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

20 CSR 2234-3.040 Application for Licensure—Agency Employee **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1673). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 4240—Public Service Commission
Chapter 125—Manufactured Home Installers**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.692, RSMo 2016, the commission amends a rule as follows:

20 CSR 4240-125.040 Manufactured Home Installer License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2020 (45 MoReg 1673-1674). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 2, 2020, and the commission held a public hearing on the proposed amendment on December 3, 2020. The commission's staff filed a written comment and testified at the hearing in support and explanation of the amendment. No other comments were received.

COMMENT #1: Staff explained that the amendment was needed to allow manufactured home installers to attend and staff to conduct license certification classes virtually when extenuating circumstances, such as the COVID-19 pandemic, exist.

RESPONSE: The commission thanks staff for its work in making this change in order to protect staff and the public during the current pandemic and any future unknown extenuating circumstances. No change was made as a result of this comment.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Financial and Administrative
Services
Chapter 4—General Administration**

IN ADDITION

NOTICE OF SUSPENSION OF RULE

5 CSR 30-4.030 Audit Policy and Requirements

ACTION TAKEN: 5 CSR 30-4.030(4)(C) shall be temporarily suspended, as a result of and in accordance with Executive Order 20-04. The temporary suspension applies to this subsection of the rule that requires school officials of public school districts and charter schools to submit an audit of financial, transportation, and attendance records of the district in accordance with generally accepted auditing standards to the Department of Elementary and Secondary Education no later than December 31 of each year.

EMERGENCY STATEMENT: Pursuant to Executive Order (EO) 20-04 dated March 18, 2020, and extended pursuant to EO 20-10 dated May 4, 2020, EO 20-12 dated June 11, 2020, and EO 20-19 dated November 19, 2020, this subsection of the rule is suspended effective January 13, 2021 until January 31, 2021.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
INTRA-STATE DEVELOPMENT CO.**

Intra-State Development Co., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on October 15, 2020. The dissolution was effective on that date.

Any and all claims against Intra-State Development Co. may be sent to Larry G. Schulz, Esq., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; documentation supporting the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Intra-State Development Co. will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

**Notice of Dissolution
to All Creditors of and All Claimants Against
Fienup Farm, Inc.**

On December 14, 2018, Fienup Farm, Inc., a Missouri corporation (the "Company"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

Any claims against the Company must be sent to: William Fienup, 13045 Wheatfield Farm Road, St. Louis, Missouri 63141. Each claim must include the name, address and phone number of claimant; amount and nature of claim; date on which the claim arose; and any claim documentation.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.

**NOTICE TO
CREDITORS AND CLAIMANTS OF
PELOPIDAS, L.L.C.**

Pelopidas, L.L.C., a Missouri Limited Liability Company has dissolved and is in the process of winding up its affairs. On December 28, 2020, the Company filed Notice of Winding Up with the Secretary of State of Missouri. Any and all claims against the Company may be sent to Stephen J. Smith of McCarthy, Leonard & Kaemmerer, LC, 825 Maryville Centre Drive, Suite 300, Town and Country, MO 63017. Each claim should include the following: name, address and telephone number of claimant, amount of claim, basis of the claim, and documents related to the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of this publication of this notice.

**Notice of Winding Up of Limited Liability Company
to All Creditors of and All Claimants Against
RREC 2 Investment Fund, LLC**

On January 8, 2021, RREC 2 Investment Fund, LLC, a Missouri limited liability company (the “Company”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company must be sent to: Steven R. Wild, Office of General Counsel, 227 University Hall, Columbia, Missouri 65211. Each claim must include the name, address and phone number of claimant; amount of the claim; basis for the claim; and documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**Notice of Winding Up of Limited Liability Company
to All Creditors of and All Claimants Against
MRC XIII Investment Fund, LLC**

On January 8, 2021, MRC XIII Investment Fund, LLC, a Missouri limited liability company (the “Company”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company must be sent to: Steven R. Wild, Office of General Counsel, 227 University Hall, Columbia, Missouri 65211. Each claim must include the name, address and phone number of claimant; amount of the claim; basis for the claim; and documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				45 MoReg 1926
1 CSR 10-15.010	Commissioner of Administration	46 MoReg 109	46 MoReg 187		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	46 MoReg 39T			
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.016	Animal Health	45 MoReg 1107	45 MoReg 1111	45 MoReg 1913	
2 CSR 30-9.040	Animal Health		45 MoReg 24		
2 CSR 80-2.001	State Milk Board		45 MoReg 1340	46 MoReg 15	
2 CSR 80-2.002	State Milk Board		45 MoReg 1340	46 MoReg 15	
2 CSR 80-2.190	State Milk Board		45 MoReg 1564	This Issue	
2 CSR 80-3.001	State Milk Board		45 MoReg 1657		
2 CSR 80-3.010	State Milk Board		45 MoReg 1657R		
2 CSR 80-3.020	State Milk Board		45 MoReg 1955		
2 CSR 80-3.030	State Milk Board		45 MoReg 1955		
2 CSR 80-3.040	State Milk Board		45 MoReg 1956		
2 CSR 80-3.050	State Milk Board		45 MoReg 1658R		
2 CSR 80-3.060	State Milk Board		45 MoReg 1956		
2 CSR 80-3.070	State Milk Board		45 MoReg 1957		
2 CSR 80-3.080	State Milk Board		45 MoReg 1959		
2 CSR 80-3.120	State Milk Board		45 MoReg 1658R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		45 MoReg 1564	46 MoReg 55	
3 CSR 10-4.135	Conservation Commission		45 MoReg 1566	46 MoReg 55	
3 CSR 10-4.136	Conservation Commission		45 MoReg 1567	46 MoReg 56	
3 CSR 10-4.137	Conservation Commission		45 MoReg 1567	46 MoReg 56	
3 CSR 10-4.140	Conservation Commission		45 MoReg 1567	46 MoReg 56	
3 CSR 10-4.145	Conservation Commission		45 MoReg 1568	46 MoReg 57	
3 CSR 10-5.205	Conservation Commission			46 MoReg 57	
3 CSR 10-5.215	Conservation Commission		45 MoReg 1569	46 MoReg 58	
3 CSR 10-5.225	Conservation Commission		45 MoReg 1570	46 MoReg 58	
3 CSR 10-5.300	Conservation Commission		45 MoReg 1570	46 MoReg 58	
3 CSR 10-5.310	Conservation Commission		45 MoReg 1570	46 MoReg 58	
3 CSR 10-5.320	Conservation Commission		45 MoReg 1571	46 MoReg 59	
3 CSR 10-5.330	Conservation Commission		45 MoReg 1571	46 MoReg 59	
3 CSR 10-5.331	Conservation Commission		45 MoReg 1571	46 MoReg 59	
3 CSR 10-5.345	Conservation Commission		45 MoReg 1572	46 MoReg 59	
3 CSR 10-5.445	Conservation Commission		45 MoReg 1572	46 MoReg 59	
3 CSR 10-5.545	Conservation Commission		45 MoReg 1572	46 MoReg 59	
3 CSR 10-5.605	Conservation Commission		45 MoReg 1573	46 MoReg 60	
3 CSR 10-5.705	Conservation Commission		45 MoReg 1573R	46 MoReg 60	
3 CSR 10-5.900	Conservation Commission		45 MoReg 1573	46 MoReg 60	
3 CSR 10-6.550	Conservation Commission		45 MoReg 1576	46 MoReg 64	
3 CSR 10-7.405	Conservation Commission		46 MoReg 10		
3 CSR 10-7.410	Conservation Commission		46 MoReg 11		
3 CSR 10-7.412	Conservation Commission		45 MoReg 1576	46 MoReg 64	
3 CSR 10-7.434	Conservation Commission		45 MoReg 1577	46 MoReg 64	
3 CSR 10-7.455	Conservation Commission		45 MoReg 1578	46 MoReg 64	46 MoReg 80
3 CSR 10-7.600	Conservation Commission		45 MoReg 1578	46 MoReg 65	
3 CSR 10-7.700	Conservation Commission		45 MoReg 1579	46 MoReg 65	
3 CSR 10-7.710	Conservation Commission		45 MoReg 1580	46 MoReg 65	
3 CSR 10-7.900	Conservation Commission		45 MoReg 1583	46 MoReg 65	
3 CSR 10-7.905	Conservation Commission		45 MoReg 1584	46 MoReg 66	
3 CSR 10-9.625	Conservation Commission		45 MoReg 1587	46 MoReg 67	
3 CSR 10-10.707	Conservation Commission		45 MoReg 1587	46 MoReg 67	
3 CSR 10-10.708	Conservation Commission		45 MoReg 1587	46 MoReg 67	
3 CSR 10-10.715	Conservation Commission		45 MoReg 1588	46 MoReg 67	
3 CSR 10-10.732	Conservation Commission		45 MoReg 1588	46 MoReg 68	
3 CSR 10-10.744	Conservation Commission		45 MoReg 1589	46 MoReg 68	
3 CSR 10-10.767	Conservation Commission		45 MoReg 1589	46 MoReg 68	
3 CSR 10-11.110	Conservation Commission		45 MoReg 1589	46 MoReg 69	
3 CSR 10-11.111	Conservation Commission		45 MoReg 1590	46 MoReg 69	
3 CSR 10-11.145	Conservation Commission		45 MoReg 1593	46 MoReg 69	
3 CSR 10-11.180	Conservation Commission		45 MoReg 1593	46 MoReg 69	
3 CSR 10-11.191	Conservation Commission		45 MoReg 1593	46 MoReg 70	
3 CSR 10-12.109	Conservation Commission		45 MoReg 1593	46 MoReg 70	
3 CSR 10-12.110	Conservation Commission		45 MoReg 1594	46 MoReg 70	
3 CSR 10-12.115	Conservation Commission		45 MoReg 1594	46 MoReg 70	
3 CSR 10-12.130	Conservation Commission		45 MoReg 1595	46 MoReg 70	
3 CSR 10-12.135	Conservation Commission		45 MoReg 1595	46 MoReg 71	
3 CSR 10-20.805	Conservation Commission		45 MoReg 1596	46 MoReg 71	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.230	Division of Learning Services		45 MoReg 1067	45 MoReg 1913	
			46 MoReg 47		
5 CSR 20-100.250	Division of Learning Services		45 MoReg 1406R	This IssueR	
5 CSR 20-100.275	Division of Learning Services		46 MoReg 49		
5 CSR 20-400.180	Division of Learning Services		45 MoReg 1863		
5 CSR 20-400.220	Division of Learning Services	45 MoReg 1371	45 MoReg 1406	46 MoReg 71	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 20-400.500	Division of Learning Services		45 MoReg 1863		
5 CSR 20-400.510	Division of Learning Services		45 MoReg 1864		
5 CSR 20-400.520	Division of Learning Services		45 MoReg 1864		
5 CSR 20-400.530	Division of Learning Services		45 MoReg 1865		
5 CSR 20-400.540	Division of Learning Services		45 MoReg 1866		
5 CSR 20-400.550	Division of Learning Services		45 MoReg 1866		
5 CSR 20-400.560	Division of Learning Services		45 MoReg 1867		
5 CSR 20-400.620	Division of Learning Services		This Issue		
5 CSR 20-400.630	Division of Learning Services		This Issue		
5 CSR 20-400.640	Division of Learning Services		45 MoReg 1407	This Issue	
5 CSR 30-4.030	Division of Financial and Administrative Services				This Issue
5 CSR 30-660.085	Division of Financial and Administrative Services	45 MoReg 1215	45 MoReg 1222 This IssueR	45 MoReg 1973	
5 CSR 30-660.090	Division of Financial and Administrative Services	45 MoReg 1371	45 MoReg 1410	46 MoReg 72	
5 CSR 100-200.135	Missouri Commission for the Deaf and Heard of Hearing		46 MoReg 50		
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-3.010	Missouri Highways and Transportation Commission		45 MoReg 1596		
7 CSR 10-3.020	Missouri Highways and Transportation Commission		45 MoReg 1598		
7 CSR 10-25.020	Missouri Highways and Transportation Commission		45 MoReg 1779		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 50-5.007	Division of Workers' Compensation	This Issue			
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-3.201	Certification Standards		45 MoReg 1960		
9 CSR 30-3.202	Certification Standards		45 MoReg 1960		
9 CSR 30-3.204	Certification Standards		45 MoReg 1960		
9 CSR 30-3.206	Certification Standards		45 MoReg 1961		
9 CSR 30-3.208	Certification Standards		45 MoReg 1962		
9 CSR 30-4.047	Certification Standards		45 MoReg 1962		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.110	Air Conservation Commission		45 MoReg 1228	46 MoReg 265	
10 CSR 20-8.300	Clean Water Commission	46 MoReg 39	This Issue		
10 CSR 25-7	Hazardous Waste Management Commission				46 MoReg 80
10 CSR 60-16.010	Safe Drinking Water Commission		45 MoReg 1237	46 MoReg 265	
10 CSR 60-16.020	Safe Drinking Water Commission		45 MoReg 1242	46 MoReg 265	
10 CSR 60-16.030	Safe Drinking Water Commission		45 MoReg 1244	46 MoReg 266	
10 CSR 60-16.040	Safe Drinking Water Commission		45 MoReg 1246	46 MoReg 266	
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-10.020	Office of the Director		45 MoReg 1410	46 MoReg 266	
11 CSR 30-13.010	Office of the Director <i>moved to 11 CSR 90-4.010</i>		45 MoReg 1598		
11 CSR 30-13.020	Office of the Director <i>moved to 11 CSR 90-4.020</i>		45 MoReg 1598		
11 CSR 30-13.030	Office of the Director <i>moved to 11 CSR 90-4.030</i>		45 MoReg 1599		
11 CSR 30-13.040	Office of the Director <i>moved to 11 CSR 90-4.040</i>		45 MoReg 1599		
11 CSR 30-13.050	Office of the Director <i>moved to 11 CSR 90-4.050</i>		45 MoReg 1600		
11 CSR 30-13.060	Office of the Director <i>moved to 11 CSR 90-4.060</i>		45 MoReg 1601		
11 CSR 30-13.070	Office of the Director <i>moved to 11 CSR 90-4.070</i>		45 MoReg 1601		
11 CSR 30-13.080	Office of the Director <i>moved to 11 CSR 90-4.080</i>		45 MoReg 1603		
11 CSR 30-13.090	Office of the Director <i>moved to 11 CSR 90-4.090</i>		45 MoReg 1603		
11 CSR 30-13.100	Office of the Director		45 MoReg 1604R		
11 CSR 30-13.110	Office of the Director <i>moved to 11 CSR 90-4.100</i>		45 MoReg 1604		
11 CSR 30-17.010	Office of the Director		45 MoReg 1658		
11 CSR 45-12.090	Missouri Gaming Commission		46 MoReg 50		
11 CSR 50-2.020	Missouri State Highway Patrol		45 MoReg 1868		
11 CSR 50-2.030	Missouri State Highway Patrol		45 MoReg 1869		
11 CSR 50-2.080	Missouri State Highway Patrol		45 MoReg 1869		
11 CSR 50-2.090	Missouri State Highway Patrol		45 MoReg 1869		
11 CSR 50-2.160	Missouri State Highway Patrol		45 MoReg 1870		
11 CSR 50-2.200	Missouri State Highway Patrol		45 MoReg 1870		
11 CSR 50-2.270	Missouri State Highway Patrol		45 MoReg 1878		
11 CSR 50-2.300	Missouri State Highway Patrol		45 MoReg 1878		
11 CSR 50-2.310	Missouri State Highway Patrol		45 MoReg 1878		
11 CSR 50-2.340	Missouri State Highway Patrol		45 MoReg 1879R		
11 CSR 70-2.030	Division of Alcohol and Tobacco Control		45 MoReg 1341	This Issue	
11 CSR 70-2.060	Division of Alcohol and Tobacco Control		45 MoReg 1341	This Issue	
11 CSR 70-2.120	Division of Alcohol and Tobacco Control		45 MoReg 1342	This Issue	
11 CSR 70-3.020	Division of Alcohol and Tobacco Control		45 MoReg 1342	This Issue	
11 CSR 75-13.050	Peace Officer Standards and Training Program		45 MoReg 1111	45 MoReg 1916	
11 CSR 75-14.050	Peace Officer Standards and Training Program		45 MoReg 1112	45 MoReg 1917	
11 CSR 75-15.010	Peace Officer Standards and Training Program	45 MoReg 1831	45 MoReg 1791		
11 CSR 75-15.020	Peace Officer Standards and Training Program	45 MoReg 1832	45 MoReg 1791		
11 CSR 75-16.010	Peace Officer Standards and Training Program		This Issue		
11 CSR 85-1.050	Veterans Affairs		45 MoReg 1791		
11 CSR 90-4.010	Missouri 911 Service Board <i>formally 11 CSR 30-13.010</i>		45 MoReg 1598		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 90-4.020	Missouri 911 Service Board <i>formally 11 CSR 30-13.020</i>		45 MoReg 1598		
11 CSR 90-4.030	Missouri 911 Service Board <i>formally 11 CSR 30-13.030</i>		45 MoReg 1599		
11 CSR 90-4.040	Missouri 911 Service Board <i>formally 11 CSR 30-13.040</i>		45 MoReg 1599		
11 CSR 90-4.050	Missouri 911 Service Board <i>formally 11 CSR 30-13.050</i>		45 MoReg 1600		
11 CSR 90-4.060	Missouri 911 Service Board <i>formally 11 CSR 30-13.060</i>		45 MoReg 1601		
11 CSR 90-4.070	Missouri 911 Service Board <i>formally 11 CSR 30-13.070</i>		45 MoReg 1601		
11 CSR 90-4.080	Missouri 911 Service Board <i>formally 11 CSR 30-13.080</i>		45 MoReg 1603		
11 CSR 90-4.090	Missouri 911 Service Board <i>formally 11 CSR 30-13.090</i>		45 MoReg 1603		
11 CSR 90-4.100	Missouri 911 Service Board <i>formally 11 CSR 30-13.110</i>		45 MoReg 1604		
DEPARTMENT OF REVENUE					
12 CSR 10-2.019	Director of Revenue	This Issue	This Issue		
12 CSR 10-2.076	Director of Revenue		45 MoReg 1604	46 MoReg 266	
12 CSR 10-2.255	Director of Revenue		45 MoReg 1608	46 MoReg 266	
12 CSR 10-2.260	Director of Revenue		45 MoReg 1608	46 MoReg 267	
12 CSR 10-25.150	Director of Revenue		45 MoReg 1879		
12 CSR 10-41.010	Director of Revenue	45 MoReg 1832	45 MoReg 1880		
12 CSR 10-102.016	Director of Revenue		45 MoReg 1609	46 MoReg 267	
12 CSR 10-102.100	Director of Revenue		45 MoReg 1883		
12 CSR 10-104.050	Director of Revenue		46 MoReg 260		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-60.020	Children's Division		45 MoReg 1112	45 MoReg 1973	
13 CSR 35-60.040	Children's Division		45 MoReg 1113	45 MoReg 1973	
13 CSR 35-60.080	Children's Division		45 MoReg 1117	45 MoReg 1974	
13 CSR 40-2.015	Family Support Division		This Issue		
13 CSR 40-7.010	Family Support Division		This Issue		
13 CSR 40-7.080	Family Support Division		45 MoReg 1964		
13 CSR 70-3.230	MO HealthNet Division		45 MoReg 1967		
13 CSR 70-3.320	MO HealthNet Division		45 MoReg 1249	45 MoReg 1974	46 MoReg 268
13 CSR 70-5.010	MO HealthNet Division		45 MoReg 1411	46 MoReg 267	
13 CSR 70-20.045	MO HealthNet Division		This Issue		
13 CSR 70-20.047	MO HealthNet Division		This Issue		
13 CSR 70-20.060	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-20.200	MO HealthNet Division		45 MoReg 1660	This Issue	
13 CSR 70-20.300	MO HealthNet Division		45 MoReg 1663	This Issue	
13 CSR 70-25.140	MO HealthNet Division		45 MoReg 1412	This Issue	
13 CSR 70-99.010	MO HealthNet Division		45 MoReg 1664	This Issue	
ELECTED OFFICIALS					
15 CSR 30-1.010	Secretary of State		45 MoReg 1792	This Issue	
15 CSR 30-50.030	Secretary of State		45 MoReg 1343	45 MoReg 1976	
15 CSR 30-54.205	Secretary of State		45 MoReg 1343	45 MoReg 1976	
15 CSR 30-100.005	Secretary of State	45 MoReg 1372	45 MoReg 1421	46 MoReg 72	
15 CSR 30-100.010	Secretary of State	45 MoReg 1373	45 MoReg 1421	46 MoReg 72	
15 CSR 30-100.015	Secretary of State	45 MoReg 1373	45 MoReg 1421	46 MoReg 72	
15 CSR 30-110.010	Secretary of State		45 MoReg 1422R	46 MoReg 72R	
15 CSR 30-110.020	Secretary of State		45 MoReg 1422R	46 MoReg 72R	
15 CSR 30-110.030	Secretary of State	45 MoReg 1373	45 MoReg 1422	46 MoReg 72	
15 CSR 30-110.040	Secretary of State	45 MoReg 1374	45 MoReg 1422	46 MoReg 73	
15 CSR 30-110.050	Secretary of State	45 MoReg 1374	45 MoReg 1423	46 MoReg 73	
15 CSR 30-110.060	Secretary of State	45 MoReg 1375	45 MoReg 1424	46 MoReg 73	
15 CSR 30-110.070	Secretary of State	45 MoReg 1376	45 MoReg 1424	46 MoReg 73	
15 CSR 30-110.080	Secretary of State	45 MoReg 1376	45 MoReg 1424	46 MoReg 73	
RETIREMENT SYSTEMS					
16 CSR 20-2.010	Missouri Local Government Employees' Retirement System (LAGERS)		45 MoReg 1967		
16 CSR 20-2.085	Missouri Local Government Employees' Retirement System (LAGERS)		45 MoReg 1967		
16 CSR 50-20.070	The County Employees' Retirement Fund		45 MoReg 1255	45 MoReg 1976	
16 CSR 50-20.120	The County Employees' Retirement Fund		45 MoReg 1256	45 MoReg 1976	
PUBLIC DEFENDER COMMISSION					
18 CSR 10-1.010	Office of State Public Defender				46 MoReg 17
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-9.100	Division of Senior and Disability Services		45 MoReg 1304R	45 MoReg 1976R	
19 CSR 15-9.200	Division of Senior and Disability Services		45 MoReg 1304R	45 MoReg 1977R	
19 CSR 20-20.200	Division of Community and Public Health	This Issue			
19 CSR 30-1.002	Division of Regulation and Licensure	45 MoReg 1837	45 MoReg 1883		
19 CSR 30-1.026	Division of Regulation and Licensure		45 MoReg 1896		
19 CSR 30-1.064	Division of Regulation and Licensure		45 MoReg 1897		
19 CSR 30-1.074	Division of Regulation and Licensure	45 MoReg 1850	45 MoReg 1897		
19 CSR 30-1.080	Division of Regulation and Licensure	46 MoReg 42	46 MoReg 51		
19 CSR 30-35.010	Division of Regulation and Licensure		45 MoReg 1257	45 MoReg 1917	
19 CSR 30-61.010	Division of Regulation and Licensure		45 MoReg 1425	46 MoReg 74	
19 CSR 30-61.045	Division of Regulation and Licensure		45 MoReg 1427	46 MoReg 74	
19 CSR 30-61.055	Division of Regulation and Licensure	45 MoReg 1377	45 MoReg 1429	46 MoReg 74	
19 CSR 30-61.105	Division of Regulation and Licensure		45 MoReg 1433	46 MoReg 75	
19 CSR 30-62.010	Division of Regulation and Licensure		45 MoReg 1434	46 MoReg 75	
19 CSR 30-62.042	Division of Regulation and Licensure		45 MoReg 1436	46 MoReg 75	
19 CSR 30-62.052	Division of Regulation and Licensure	45 MoReg 1382	45 MoReg 1439	46 MoReg 75	
19 CSR 30-62.102	Division of Regulation and Licensure		45 MoReg 1443	46 MoReg 76	
19 CSR 30-63.010	Division of Regulation and Licensure	45 MoReg 1387	45 MoReg 1445	46 MoReg 76	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-63.020	Division of Regulation and Licensure	45 MoReg 1387	45 MoReg 1445	46 MoReg 76	
19 CSR 30-63.040	Division of Regulation and Licensure	45 MoReg 1388	45 MoReg 1446	46 MoReg 77	
19 CSR 30-63.050	Division of Regulation and Licensure	45 MoReg 1389	45 MoReg 1447	46 MoReg 78	
19 CSR 30-81.030	Division of Regulation and Licensure		This Issue		
19 CSR 30-91.010	Division of Regulation and Licensure	45 MoReg 1390	45 MoReg 1447	46 MoReg 78	
19 CSR 60-50	Missouri Health Facilities Review Committee				45 MoReg 1929 46 MoReg 17 46 MoReg 80 46 MoReg 268
DEPARTMENT OF COMMERCE AND INSURANCE					
20 CSR	Construction Claims Binding Arbitration Cap				45 MoReg 1978
20 CSR	Sovereign Immunity Limits				45 MoReg 1978
20 CSR	State Legal Expense Fund Cap				45 MoReg 1978
20 CSR 200-22.010	Insurance Solvency and Company Regulation	45 MoReg 1337	45 MoReg 1345		
20 CSR 400-5.600	Life, Annuities and Health		45 MoReg 1068	45 MoReg 1917	
20 CSR 500-4.200	Property and Casualty		45 MoReg 1463	46 MoReg 79	
20 CSR 500-6.100	Property and Casualty		45 MoReg 376		
20 CSR 500-7.020	Property and Casualty		45 MoReg 376		
20 CSR 500-7.030	Property and Casualty		45 MoReg 377		
20 CSR 500-7.050	Property and Casualty		45 MoReg 377		
20 CSR 500-7.060	Property and Casualty		45 MoReg 379		
20 CSR 500-7.070	Property and Casualty		45 MoReg 379		
20 CSR 500-7.090	Property and Casualty		45 MoReg 380		
20 CSR 500-7.200	Property and Casualty		45 MoReg 381		
20 CSR 700-4.100	Insurance Licensing		45 MoReg 382 45 MoReg 1070	45 MoReg 1920	
20 CSR 700-8.005	Insurance Licensing		45 MoReg 383		
20 CSR 700-8.150	Insurance Licensing		45 MoReg 383		
20 CSR 2010-2.041	Missouri State Board of Accountancy		45 MoReg 1897		
20 CSR 2010-2.061	Missouri State Board of Accountancy		45 MoReg 1899		
20 CSR 2010-4.020	Missouri State Board of Accountancy		45 MoReg 1901		
20 CSR 2010-4.031	Missouri State Board of Accountancy		45 MoReg 1901		
20 CSR 2030-4.055	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1664R	This Issue	
20 CSR 2030-4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1793		
20 CSR 2030-4.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1794		
20 CSR 2030-4.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1794		
20 CSR 2030-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1795		
20 CSR 2030-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1796		
20 CSR 2030-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1796		
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1796		
20 CSR 2030-5.120	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 54		
20 CSR 2030-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1797		
20 CSR 2030-5.160	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 54		
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue 46 MoReg 260		
20 CSR 2045-1.010	Athlete Agents		45 MoReg 1345	46 MoReg 16	
20 CSR 2063-1.010	Behavior Analyst Advisory Board		45 MoReg 1665	This Issue	
20 CSR 2063-1.015	Behavior Analyst Advisory Board		45 MoReg 1902		
20 CSR 2063-2.010	Behavior Analyst Advisory Board		45 MoReg 1304	45 MoReg 1977	
20 CSR 2110-2.170	Missouri Dental Board	45 MoReg 1301	45 MoReg 1259	45 MoReg 1920	
20 CSR 2120-2.020	State Board of Embalmers and Funeral Directors		45 MoReg 1260	45 MoReg 1920	
20 CSR 2120-2.021	State Board of Embalmers and Funeral Directors		45 MoReg 1260	45 MoReg 1920	
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors		45 MoReg 1265	45 MoReg 1920	
20 CSR 2120-2.220	State Board of Embalmers and Funeral Directors		45 MoReg 1266R	45 MoReg 1920R	
20 CSR 2120-3.105	State Board of Embalmers and Funeral Directors		45 MoReg 1266	45 MoReg 1921	
20 CSR 2120-3.115	State Board of Embalmers and Funeral Directors		45 MoReg 1271R	45 MoReg 1921R	
20 CSR 2120-3.120	State Board of Embalmers and Funeral Directors		45 MoReg 1271R	45 MoReg 1921R	
20 CSR 2120-3.125	State Board of Embalmers and Funeral Directors		45 MoReg 1271R	45 MoReg 1921R	
20 CSR 2120-3.305	State Board of Embalmers and Funeral Directors		45 MoReg 1271R	45 MoReg 1921R	
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	46 MoReg 182	46 MoReg 262		
20 CSR 2165-1.010	Board of Examiners for Hearing Instrument Specialists		45 MoReg 1902		
20 CSR 2200-4.010	State Board of Nursing		45 MoReg 1667	This Issue	
20 CSR 2210-2.030	State Board of Optometry		45 MoReg 1345	46 MoReg 16	
20 CSR 2220-2.120	State Board of Pharmacy		45 MoReg 1903		
20 CSR 2220-2.195	State Board of Pharmacy		45 MoReg 1467	46 MoReg 79	
20 CSR 2220-2.425	State Board of Pharmacy		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2220-2.680	State Board of Pharmacy	45 MoReg 1552	45 MoReg 1611	This Issue	
20 CSR 2220-5.020	State Board of Pharmacy	45 MoReg 1851	45 MoReg 1903		
20 CSR 2220-6.040	State Board of Pharmacy	46 MoReg 5	46 MoReg 12		
20 CSR 2220-6.050	State Board of Pharmacy	46 MoReg 183	46 MoReg 262		
20 CSR 2220-7.025	State Board of Pharmacy		46 MoReg 263		
20 CSR 2232-2.010	Missouri State Committee of Interpreters		45 MoReg 1669	This Issue	
20 CSR 2232-2.020	Missouri State Committee of Interpreters		45 MoReg 1669	This Issue	
20 CSR 2232-2.030	Missouri State Committee of Interpreters		45 MoReg 1669	This Issue	
20 CSR 2234-1.050	Board of Private Investigator and Private Fire Investigator Examiners		45 MoReg 1670	This Issue	
20 CSR 2234-2.010	Board of Private Investigator and Private Fire Investigator Examiners		45 MoReg 1672	This Issue	
20 CSR 2234-2.015	Board of Private Investigator and Private Fire Investigator Examiners		45 MoReg 1672	This Issue	
20 CSR 2234-3.010	Board of Private Investigator and Private Fire Investigator Examiners		45 MoReg 1673	This Issue	
20 CSR 2234-3.040	Board of Private Investigator and Private Fire Investigator Examiners		45 MoReg 1673	This Issue	
20 CSR 2234-5.010	Board of Private Investigator and Private Fire Investigator Examiners		45 MoReg 1797		
20 CSR 2234-6.010	Board of Private Investigator and Private Fire Investigator Examiners		This Issue		
20 CSR 2235-1.020	State Committee of Psychologists		45 MoReg 1968		
20 CSR 2235-1.025	State Committee of Psychologists		45 MoReg 1970		
20 CSR 2235-1.026	State Committee of Psychologists		45 MoReg 1970		
20 CSR 2235-1.030	State Committee of Psychologists		45 MoReg 1971		
20 CSR 2235-1.031	State Committee of Psychologists		45 MoReg 1971		
20 CSR 2235-1.050	State Committee of Psychologists		45 MoReg 1904		
20 CSR 2235-2.005	State Committee of Psychologists		46 MoReg 13		
20 CSR 2235-2.070	State Committee of Psychologists		46 MoReg 13		
20 CSR 2255-2.010	Missouri Board for Respiratory Care				46 MoReg 17
20 CSR 2263-1.035	State Committee for Social Workers		45 MoReg 1905		
20 CSR 4240-3.155	Public Service Commission		45 MoReg 1005R	45 MoReg 1921W	
20 CSR 4240-20.060	Public Service Commission		45 MoReg 1006	45 MoReg 1922W	
20 CSR 4240-20.065	Public Service Commission		45 MoReg 1015	45 MoReg 1922	
20 CSR 4240-125.040	Public Service Commission	45 MoReg 1655	45 MoReg 1673	This Issue	
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.046	Health Care Plan	45 MoReg 1852	45 MoReg 1907		
22 CSR 10-2.047	Health Care Plan	45 MoReg 1853	45 MoReg 1907		
22 CSR 10-2.053	Health Care Plan	45 MoReg 1853	45 MoReg 1907		
22 CSR 10-2.089	Health Care Plan	45 MoReg 1855	45 MoReg 1909		
22 CSR 10-3.030	Health Care Plan	45 MoReg 1856	45 MoReg 1909		
22 CSR 10-3.055	Health Care Plan	45 MoReg 1857	45 MoReg 1910		
22 CSR 10-3.058	Health Care Plan	45 MoReg 1858	45 MoReg 1911		
22 CSR 10-3.059	Health Care Plan	45 MoReg 1858	45 MoReg 1911		

Agency	Publication	Effective	Expiration
Office of Administration			
Commissioner of Administration			
1 CSR 10-15.010 Cafeteria Plan . . . . .	.46 MoReg 109	Jan. 4, 2021	July 2, 2021
Department of Agriculture			
Animal Health			
2 CSR 30-10.010 Inspection of Meat and Poultry . . . . .	.Next Issue	Feb. 11, 2021	Aug. 9, 2021
Department of Elementary and Secondary Education			
Division of Financial and Administrative Services			
5 CSR 20-400.220 Application for Substitute Certificate of License to Teach . . . . .	.45 MoReg 1371	Sept. 2, 2020	Feb. 28, 2021
5 CSR 30-660.085 Attendance Hour Reporting . . . . .	.45 MoReg 1215	Aug. 1, 2020	Feb. 25, 2021
5 CSR 30-660.090 Charter School Local Education Agency (LEA) Attendance Hour Reporting . . . . .	.45 MoReg 1371	Sept. 2, 2020	Feb. 28, 2021
Department of Labor and Industrial Relations			
Division of Workers' Compensation			
8 CSR 50-5.005 Presumption of Occupational Disease for First Responders . . . . .	.45 MoReg 713	April 22, 2020	Feb. 1, 2021
8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders . . . . .	.This Issue	Feb. 1, 2021	July 30, 2021
Department of Natural Resources			
Clean Water Commission			
10 CSR 20-8.300 Design of Concentrated Animal Feeding Operations . . . . .	.46 MoReg 39	Dec. 22, 2020	June 19, 2021
Department of Public Safety			
Peace Officer Standards and Training Program			
11 CSR 75-15.010 Continuing Education Requirement . . . . .	.45 MoReg 1831	Jan. 1, 2021	June 29, 2021
11 CSR 75-15.020 Minimum Standards for Continuing Education Training . . . . .	.45 MoReg 1832	Jan. 1, 2021	June 29, 2021
Missouri 911 Service Board			
11 CSR 90-1.010 Overview . . . . .	.45 MoReg 879	May 21, 2020	Feb. 25, 2021
11 CSR 90-1.020 Organization and Administration . . . . .	.45 MoReg 880	May 21, 2020	Feb. 25, 2021
11 CSR 90-1.030 Code of Ethics . . . . .	.45 MoReg 880	May 21, 2020	Feb. 25, 2021
11 CSR 90-1.040 Board Meetings . . . . .	.45 MoReg 881	May 21, 2020	Feb. 25, 2021
11 CSR 90-1.050 Addressing Board . . . . .	.45 MoReg 882	May 21, 2020	Feb. 25, 2021
11 CSR 90-2.010 Definitions . . . . .	.45 MoReg 882	May 21, 2020	Feb. 25, 2021
11 CSR 90-2.020 Application Requirements and Submission Procedure . . . . .	.45 MoReg 883	May 21, 2020	Feb. 25, 2021
11 CSR 90-2.030 Application Review and Decision . . . . .	.45 MoReg 885	May 21, 2020	Feb. 25, 2021
11 CSR 90-2.040 Project Administration . . . . .	.45 MoReg 886	May 21, 2020	Feb. 25, 2021
11 CSR 90-2.050 Protests . . . . .	.45 MoReg 887	May 21, 2020	Feb. 25, 2021
11 CSR 90-3.010 Funding Rates . . . . .	.45 MoReg 888	May 21, 2020	Feb. 25, 2021
Department of Revenue			
Director of Revenue			
12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Locations . . . . .	.This Issue	Jan. 21, 2021	July 19, 2021
12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .	.45 MoReg 1832	Jan. 1, 2021	June 29, 2021
Department of Social Services			
Children's Division			
13 CSR 35-31.060 Child Abuse and Neglect Review Board Administrative Appeals by Teleconference . . . . .	.45 MoReg 985	June 12, 2020	Feb. 25, 2021
13 CSR 35-60.120 Criminal Background Check Screening due to Coronavirus- Related Closures . . . . .	.45 MoReg 888	May 21, 2020	Feb. 25, 2021
Family Support Division			
13 CSR 40-2.160 State Hearing Procedures . . . . .	.45 MoReg 775	April 30, 2020	Feb. 9, 2021
MO HealthNet Division			
13 CSR 70-15.015 Direct Medicaid Payments . . . . .	.45 MoReg 778	May 15, 2020	Feb. 24, 2021
13 CSR 70-20.060 Professional Dispensing Fee . . . . .	.This Issue	Feb. 1, 2021	July 30, 2021
Elected Officials			
Secretary of State			
15 CSR 30-100.005 Notary Complaint Process . . . . .	.45 MoReg 1372	Sept. 15, 2020	March 13, 2021

Agency	Publication	Effective	Expiration
15 CSR 30-100.010 Approval, Revocation and Suspension of Notary Commission . . . . .	.45 MoReg 1373	Sept. 15, 2020	March 13, 2021
15 CSR 30-100.015 Request for Hearing on Suspension or an Appeal on a Denial of an Application . . . . .	.45 MoReg 1373	Sept. 15, 2020	March 13, 2021
15 CSR 30-110.030 Remote Online Notarization (RON) Approval . . . . .	.45 MoReg 1373	Sept. 15, 2020	March 13, 2021
15 CSR 30-110.040 Remote Online Notarization (RON) Criteria . . . . .	.45 MoReg 1374	Sept. 15, 2020	March 13, 2021
15 CSR 30-110.050 Remote Online Notarization (RON) Credentials . . . . .	.45 MoReg 1374	Sept. 15, 2020	March 13, 2021
15 CSR 30-110.060 Audio and Video Quality . . . . .	.45 MoReg 1375	Sept. 15, 2020	March 13, 2021
15 CSR 30-110.070 Storage and Retention of Notarial Records . . . . .	.45 MoReg 1376	Sept. 15, 2020	March 13, 2021
15 CSR 30-110.080 Audit Trail . . . . .	.45 MoReg 1376	Sept. 15, 2020	March 13, 2021

Department of Health and Senior Services

Office of the Director

19 CSR 10-15.060 Prohibition on Expenditure of Funds45 MoReg 985	June 8, 2020	Feb. 25, 2021
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Division of Regulation and Licensure

19 CSR 30-1.002 Schedules of Controlled Substances45 MoReg 1837	Nov. 16, 2020	May 14, 2021
19 CSR 30-1.074 Dispensing Without a Prescription . . . . .	.45 MoReg 1850	Nov. 16, 2020	May 14, 2021
19 CSR 30-1.080 Electronic Prescribing Waiver . . . . .	.46 MoReg 42	Dec. 31, 2020	June 28, 2021
19 CSR 30-61.055 Annual Requirements . . . . .	.45 MoReg 1377	Sept. 15, 2020	March 13, 2021
19 CSR 30-62.052 Annual Requirements . . . . .	.45 MoReg 1382	Sept. 15, 2020	March 13, 2021
19 CSR 30-63.010 Definitions . . . . .	.45 MoReg 1387	Sept. 15, 2020	March 13, 2021
19 CSR 30-63.020 General Requirements . . . . .	.45 MoReg 1387	Sept. 15, 2020	March 13, 2021
19 CSR 30-63.040 Background Screening Findings . . . . .	.45 MoReg 1388	Sept. 15, 2020	March 13, 2021
19 CSR 30-63.050 Process for Appeal Required in Section 210.1080, RSMo . . . . .	.45 MoReg 1389	Sept. 15, 2020	March 13, 2021
19 CSR 30-91.010 Authorized Electronic Monitoring . . . . .	.45 MoReg 1390	Sept. 3, 2020	March 1, 2021

Department of Commerce and Insurance

Insurance Solvency and Company Regulation

20 CSR 200-22.010 Licensing Procedures for Pharmacy Benefits Managers45 MoReg 1337	Aug. 28, 2020	Feb. 23, 2021
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Missouri State Board of Accountancy

20 CSR 2010-2.160 Fees45 MoReg 1059	June 24, 2020	Feb. 25, 2021
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Missouri Dental Board

20 CSR 2110-2.020 Limited Temporary Dental License45 MoReg 785	May 7, 2020	Feb. 16, 2021
20 CSR 2110-2.170 Fees . . . . .	.45 MoReg 1301	Aug. 12, 2020	Feb. 25, 2021

State Board of Registration for the Healing Arts

20 CSR 2150-5.025 Administration of Vaccines Per Protocol46 MoReg 182	Jan. 19, 2021	July 17, 2021
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State Board of Pharmacy

20 CSR 2220-2.680 Class R — Remote Dispensing Site Pharmacy45 MoReg 1552	Sept. 18, 2020	March 16, 2021
20 CSR 2220-5.020 Drug Distributor Licensing Requirements . . . . .	.45 MoReg 1851	Nov. 13, 2020	May 11, 2021
20 CSR 2220-6.040 Administration by Medical Prescription Order . . . . .	.46 MoReg 5	Dec. 11, 2020	June 8, 2021
20 CSR 2220-6.050 Administration of Vaccines Per Protocol . . . . .	.46 MoReg 183	Jan. 19, 2021	July 17, 2021

Missouri Real Estate Commission

20 CSR 2250-5.020 Application and License Fee45 MoReg 889	May 27, 2020	Feb. 25, 2021
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State Committee for Social Workers

20 CSR 2263-1.035 Fees45 MoReg 893	May 29, 2020	Feb. 25, 2021
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Public Service Commission

20 CSR 4240-125.040 Manufactured Home Installer License45 MoReg 1655	Oct. 15, 2020	April 12, 2021
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Missouri Consolidated Health Care Plan

Health Care Plan

22 CSR 10-2.046 PPO 750 Plan Benefit Provisions and Covered Charges45 MoReg 1852	Jan. 1, 2021	June 29, 2021
22 CSR 10-2.047 PPO 1250 Plan Benefit Provisions and Covered Charges . . . . .	.45 MoReg 1853	Jan. 1, 2021	June 29, 2021
22 CSR 10-2.053 Health Savings Account Plan Benefit Provisions and Covered Charges . . . . .	.45 MoReg 1853	Jan. 1, 2021	June 29, 2021
22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	.45 MoReg 1855	Jan. 1, 2021	June 29, 2021
22 CSR 10-3.030 Public Entity Membership Agreement and Participation Period . . . . .	.45 MoReg 1856	Jan. 1, 2021	June 29, 2021
22 CSR 10-3.055 Health Savings Account Plan Benefit Provisions and Covered Charges . . . . .	.45 MoReg 1857	Jan. 1, 2021	June 29, 2021
22 CSR 10-3.058 PPO 750 Plan Benefit Provisions and Covered Charges . . . . .	.45 MoReg 1858	Jan. 1, 2021	June 29, 2021
22 CSR 10-3.059 PPO 1250 Plan Benefit Provisions and Covered Charges . . . . .	.45 MoReg 1858	Jan. 1, 2021	June 29, 2021

Executive Orders	Subject Matter	Filed Date	Publication
<u>2021</u>			
21-02	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	Next Issue
21-01	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	This Issue
<u>2020</u>			
20-21	Modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18-08	December 30, 2020	46 MoReg 185
20-20	Closes state offices December 24, 2020	December 7, 2020	46 MoReg 46
20-19	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia until March 31, 2021. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	November 19, 2020	46 MoReg 7
Proclamation	Adds additional measures for consideration during the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	November 12, 2020	45 MoReg 1953
20-18	Closes state offices November 27, 2020	October 30, 2020	45 MoReg 1862
Proclamation	Convenes the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	October 21, 2020	45 MoReg 1860
20-17	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	September 24, 2020	45 MoReg 1656
20-16	Extends Executive Order 20-12 regarding the activation of the state militia until December 30, 2020	September 15, 2020	45 MoReg 1562
20-15	Establishes the Interagency Task Force on Worker Classification	September 11, 2020	45 MoReg 1559
20-14	Suspends the requirement of physical appearance as stated in Chapter 474 by authorizing the use of audio-visual technology	September 3, 2020	45 MoReg 1557
Proclamation	Amends the matters specifically designated and limited for consideration by the General Assembly in the July 15, 2020 Proclamation	August 10, 2020	45 MoReg 1338
20-13	Extends Executive Order 18-12 regarding the 2020 Census until November 30, 2020	July 31, 2020	45 MoReg 1303
Proclamation	Convenes the one hundredth general assembly of the State of Missouri in the First Extra Session of the Second Regular Session	July 15, 2020	45 MoReg 1220
20-12	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	June 11, 2020	45 MoReg 1064
20-11	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	May 30, 2020	45 MoReg 990
Proclamation	Calls for a special election on August 4th of 2020	May 26, 2020	45 MoReg 988
20-10	Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020	May 4, 2020	45 MoReg 895
20-09	Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated	April 24, 2020	45 MoReg 789
20-08	Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology	April 6, 2020	45 MoReg 718
20-07	Waives late penalties for concealed carry permits for 60 days	April 2, 2020	45 MoReg 716
20-06	Activates the state militia in response to the COVID-19 pandemic	March 27, 2020	45 MoReg 587
20-05	Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency	March 23, 2020	45 MoReg 585
20-04	Suspends certain agency regulations to allow them to address the current state of emergency	March 18, 2020	45 MoReg 583
20-03	Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020	March 18, 2020	45 MoReg 580
20-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated	March 13, 2020	45 MoReg 529
20-01	Designates supervisory authority over select departments, divisions, or agencies of government	Feb. 03, 2020	45 MoReg 352

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, MISSOURI STATE BOARD OF

continuing professional education (CPE) documentation; 20 CSR 2010-4.031; 12/1/20
eligibility requirements for the CPA examination; 20 CSR 2010-2.041; 12/1/20
qualifying programs; 20 CSR 2010-4.020; 12/1/20
requirements for an initial license to practice; 20 CSR 2010-2.061; 12/1/20

ADMINISTRATION, OFFICE OF

cafeteria plan; 1 CSR 10-15.010; 2/1/21
leaves of absence; 1 CSR 20-5.020; 10/15/20, 1/15/21
state official's salary compensation schedule; 1 CSR 10; 12/1/20

AGRICULTURE, DEPARTMENT OF

animal health

rabbit hemorrhagic disease import restrictions on rabbits and hares entering Missouri; 2 CSR 30-2.016; 8/3/20, 12/1/20

state milk board

adoption of the Grade "A" Pasteurized Milk Ordinance (PMO), 2019 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; 2 CSR 80-2.001; 9/15/20, 1/4/21

adoption of the Grade "A" Pasteurized Milk Ordinance (PMO), 2019 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; 2 CSR 80-3.001; 11/2/20

adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2019 revision of the united states department of health and human services, public health service, food and drug administration, and the national conference of interstate milk shipments; 2 CSR 80-2.002; 9/15/20, 1/4/21

definitions; 2 CSR 80-3.010; 11/2/20

enforcement interpretation; 2 CSR 80-3.120; 11/2/20

inspection of production and distribution facilities; 2 CSR 80-3.050; 11/2/20

labeling; 2 CSR 80-3.040; 12/15/20

permits; 2 CSR 80-3.030; 12/15/20

state milk board grade "A" milk policies; 2 CSR 80-2.190; 10/15/20, 2/16/21

suspension and reinstatement of permit; 2 CSR 80-3.080; 12/15/20

the examination of milk and milk products; 2 CSR 80-3.060; 12/15/20

the grading of milk and milk products; 2 CSR 80-3.070; 12/15/20

the sale of adulterated, ungraded, or misbranded milk or milk products prohibited; 2 CSR 80-3.020; 12/15/20

AIR CONSERVATION COMMISSION

air quality standards, definitions, sampling and reference methods and air pollution control regulations for the entire state of Missouri; 10 CSR 10-6.110; 2/1/21

reporting emission data, emission fees, and process information; 10 CSR 10-6.110; 8/17/20, 2/1/21

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND PROFESSIONAL LANDSCAPE ARCHITECTS, MISSOURI STATE BOARD OF

clarb examinations—professional landscape architects; 20 CSR 2030-5.140; 11/16/20

criteria to file application under section 324.008.1., RSMo, for a temporary courtesy license; 20 CSR 2030-4.055; 11/2/20, 2/16/21

evaluation—comity applications—architects; 20 CSR 2030-4.060; 11/16/20

evaluation—comity applications—professional engineers; 20 CSR 2030-4.070; 11/16/20

evaluation—comity applications—professional landscape architects; 20 CSR 2030-4.090; 11/16/20

evaluation—comity applications—professional land surveyors; 20 CSR 2030-4.080; 11/16/20

professional land surveyor—professional development units; 20 CSR 2030-8.020; 2/16/21

scope of examination — land surveyor-in-training and professional land surveyors; 20 CSR 2030-5.120; 1/15/21

standards for admission to examination—architects; 20 CSR 2030-5.030; 11/16/20

standards for admission to examination—professional land surveyors; 20 CSR 2030- 5.110; 11/16/20

standards for licensure—professional engineers; 20 CSR 2030-5.080; 11/16/20

state exam covering chapter 327, RSMo, the board rules, and ethics; 20 CSR 2030-5.160; 1/15/21

ATHLETE AGENTS

fees; 20 CSR 2045-1.010; 2/1/21

BEHAVIOR ANALYST ADVISORY BOARD

definitions; 20 CSR 2063-1.010; 9/15/20, 1/4/21

fees; 20 CSR 2063-1.015; 11/2/20, 2/16/21

renewal of license, inactive license, and reactivation of license; 20 CSR 2063-2.010; 12/1/20

CERTIFICATE OF NEED PROGRAM

Missouri health facilities review committee; 19 CSR 60-050; 12/1/20, 1/4/21, 1/15/21, 2/1/21

CHILDREN'S DIVISION

capacity of foster homes; 13 CSR 35-60.020; 8/3/20, 12/15/20

child abuse and neglect review board administrative appeals by teleconference; 13 CSR 35-31.060; 7/1/20

licensing standard waivers for relative resource providers; 13 CSR 35-60.080; 8/3/20, 12/15/20

physical and environmental standards; 13 CSR 35-60.040; 8/3/20, 12/15/20

CONSERVATION, DEPARTMENT OF

apprentice hunter authorization; 3 CSR 10-5.300; 10/15/20, 1/15/21

black bear hunting; 3 CSR 10-11.191; 10/15/20, 1/15/21

black bear hunting season: application and draw process; 3 CSR 10-7.905; 10/15/20, 1/15/21

black bear hunting season: general provisions; 3 CSR 10-7.900; 10/15/20, 1/15/21

bullfrogs and green frogs; 3 CSR 10-12.115; 10/15/20, 1/15/21

closed hours; 3 CSR 10-12.109; 10/15/20, 1/15/21

commercial deer processing: permit, privileges, requirements; 3 CSR 10-10.744; 10/15/20, 1/15/21

commercial game processing: permit, privileges, requirements; 3 CSR 10-10.744; 10/15/20

commercial use; 3 CSR 10-11.111; 10/15/20, 1/15/21

daily small game hunting permit; 3 CSR 10-5.445; 10/15/20, 1/15/21

definitions; 3 CSR 10-20.805; 10/15/20, 1/15/21

deer landowner privileges; 3 CSR 10-7.434; 10/15/20, 1/15/21

deer management assistance program; 3 CSR 10-7.600; 10/15/20, 1/15/21

elk: application and draw process; 3 CSR 10-7.710; 10/15/20, 1/15/21

elk hunting seasons: general provisions; 3 CSR 10-7.700; 10/15/20, 1/15/21

field trial permit; 3 CSR 10-9.625; 10/15/20, 1/15/21

fishing, general provisions and seasons; 3 CSR 10-12.130; 10/15/20, 1/15/21

fishing, methods; 3 CSR 10-12.135; 10/15/20, 1/15/21

general provisions; 3 CSR 10-7.405; 1/4/21

3 CSR 10-11.110; 10/15/20, 1/15/21

giving away wildlife; 3 CSR 10-4.136; 10/15/20, 1/15/21

hunting, general provisions and seasons; 3 CSR 10-11.180; 10/15/20, 1/15/21

hunting methods; 3 CSR 10-7.410; 1/4/21

landowner application; 3 CSR 10-7.412; 10/15/20, 1/15/21
 nonresident firearms deer management assistance program permit;
 3 CSR 10-5.605; 10/15/20, 1/15/21
 nonresident fur dealer's permit; 3 CSR 10-10.708; 10/15/20,
 1/15/21
 nonresident small game hunting permit; 3 CSR 10-5.545; 10/15/20,
 1/15/21
 organization and methods of operation; 3 CSR 10-1.010; 10/15/20,
 1/15/21
 other fish; 3 CSR 10-6.550; 10/15/20, 1/15/21
 permits and privileges: how obtained; not transferable; 3 CSR
 10-5.215; 10/15/20, 1/15/21
 permits: permit issuing agents; service fees; other provisions; 3
 CSR 10-5.225; 10/15/20, 1/15/21
 permits required: exceptions; 3 CSR 10-5.205; 1/15/21
 possession, storage and processing; 3 CSR 10-4.140; 10/15/20,
 1/15/21
 preparing and serving wildlife; 3 CSR 10-4.145; 10/15/20, 1/15/21
 resident and non resident fur dealers: reports, requirements; 3 CSR
 10-10.715; 10/15/20, 1/15/21
 resident black bear hunting permit; 3 CSR 10-5.900; 10/15/20,
 1/15/21
 resident fur dealer's permit; 3 CSR 10-10.707; 10/15/20, 1/15/21
 resident landowner antlered elk hunting permit; 3 CSR 10-5.705;
 10/15/20, 1/15/21
 resident lifetime conservation partner permit; 3 CSR 10-5.310;
 10/15/20, 1/15/21
 resident lifetime small game hunting permit; 3 CSR 10-5.320;
 10/15/20, 1/15/21
 resident national guard and reserve service small game hunting and
 fishing permit; 3 CSR 10-5.331; 10/15/20, 1/15/21
 resident small game hunting and fishing permit; 3 CSR 10-5.330;
 10/15/20, 1/15/21
 resident small game hunting permit; 3 CSR 10-5.345; 10/15/20,
 1/15/21
 tag and release fishing promotion permit; 3 CSR 10-10.732;
 10/15/20, 1/15/21
 taxidermy; tanning; permit, privileges, requirements; 3 CSR 10-
 10.767; 10/15/20, 1/15/21
 transportation; 3 CSR 10-4.135; 10/15/20, 1/15/21
 tree stands; 3 CSR 10-11.145; 10/15/20, 1/15/21
 turkeys: seasons, methods, limits; 3 CSR 10-7.455; 10/15/20,
 1/15/21
 use of boats and motors; 3 CSR 10-12.110; 10/15/20, 1/15/21
 wildlife identification; 3 CSR 10-4.137; 10/15/20, 1/15/21

DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR THE

military certification status; 5 CSR 100-200.135; 1/15/21

DENTAL BOARD, MISSOURI

fees; 20 CSR 2110-2.170; 9/1/20, 12/15/20

ELECTED OFFICIALS

secretary of state

approval, revocation, and suspension of notary commission;
 15 CSR 30-100.010; 10/1/20, 1/15/21
 audio and video quality; 15 CSR 30-110.060; 10/1/20, 1/15/21
 audit trail; 15 CSR 30-110.080; 10/1/20, 1/15/21
 electronic notary definitions; 15 CSR 30-110.010; 10/1/20,
 1/15/21
 electronic signatures and seals; 15 CSR 30-110.020; 10/1/20,
 1/15/21
 fees; 15 CSR 30-50.030; 9/15/20, 12/15/20
 general organization; 15 CSR 30-1.010; 11/16/20, 2/16/21
 notary complaint process; 15 CSR 30-100.005; 10/1/20,
 1/15/21
 notice filing requirement for Regulation A — Tier 2 offering;
 15 CSR 30-54.205; 9/15/20, 12/15/20
 remote online notarization (RON) approval; 15 CSR 30-
 110.030; 10/1/20, 1/15/21
 remote online notarization (RON) credentials; 15 CSR 30-
 110.050; 10/1/20, 1/15/21
 remote online notarization (RON) criteria; 15 CSR 30-
 110.040; 10/1/20, 1/15/21
 request for hearing on suspension or an appeal on a denial of
 an application; 15 CSR 30-100.015; 10/1/20, 1/15/21

storage and retention of notarial records; 15 CSR 30-110.070;
 10/1/20, 1/15/21

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

division of financial and administrative services

attendance hour reporting; 5 CSR 30-660.085; 8/17/20,
 12/15/20, 2/16/21
 audit policy and requirements; 5 CSR 30-4.030; 2/16/21
 charter school local education agency (LEA) attendance hour
 reporting; 5 CSR 30-660.090; 10/1/20, 1/15/21

division of learning services

application for certificate of license to teach; 5 CSR 20-
 400.500; 12/1/20
 application for substitute certificate of license to teach; 5 CSR
 20-400.220; 10/1/20, 1/15/21
 certification requirements for career continuous administrator;
 5 CSR 20-400.630; 2/16/21
 certification requirements for initial student services certifi-
 cate; 5 CSR 20-400.640; 10/1/20, 2/16/21
 certification requirements for teacher of early childhood edu-
 cation (birth — grade 3); 5 CSR 20-400.510; 12/1/20
 certification requirements for teacher of elementary education
 (grades 1-6); 5 CSR 20-400.520; 12/1/20
 certification requirements for teacher of K-12 education; 5
 CSR 20-400.550; 12/1/20
 certification requirements for teacher of middle school educa-
 tion (grades 5-9); 5 CSR 20-400.530; 12/1/20
 certification requirements for teacher of secondary education
 (grades 9-12); 5 CSR 20-400.540; 12/1/20
 certification requirements for teacher of special education; 5
 CSR 20-400.560; 12/1/20
 certification requirements for transition administrator certifi-
 cate; 5 CSR 20-400.620; 2/16/21
 charter schools; 5 CSR 20-100.250; 10/1/20, 2/16/21
 temporary authorization certificate of license to teach; 5 CSR
 20-400.180; 12/1/20
 transfer of charter sponsors; 5 CSR 20-100.275; 1/15/21
 virtual instruction program; 5 CSR 20-100.230; 7/15/20,
 12/1/20, 1/15/21

EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD OF

biennial license renewal; 20 CSR 2120-2.020; 8/17/20, 12/1/20
 contact information; 20 CSR 2120-3.115; 8/17/20, 12/1/20
 corporate ownership of a licensee; 20 CSR 2120-3.125; 8/17/20,
 12/1/20
 display of license; 20 CSR 2120-3.120; 8/17/20, 12/1/20
 fees; 20 CSR 2120-2.100; 8/17/20, 12/1/20
 filing of annual reports; 20 CSR 2120-3.105; 8/17/20, 12/1/20
 filing of annual reports and license renewal; 20 CSR 2120-3.105;
 8/17/20, 12/1/20
 funeral director agent registration; 20 CSR 2120-3.305; 8/17/20,
 12/1/20
 inactive license; 20 CSR 2120-2.021; 8/17/20, 12/1/20
 renewal of licenses for military members; 20 CSR 2120-2.220;
 8/17/20, 12/1/20

EXECUTIVE ORDERS

adds additional measures for consideration during the Second Extra
 Session of the Second Regular Session of the One Hundredth
 General Assembly regarding supplemental appropriations to
 respond to COVID-19: Proclamation; 12/15/20
 closes state offices under the purview of the Governor on December
 24, 2020; 20-20; 1/15/21
 closes state offices under the purview of the Governor on November
 27, 2020; 20-18; 12/1/20
 convenes the Second Extra Session of the Second Regular Session of
 the One Hundredth General Assembly regarding supplemental
 appropriations to respond to COVID-19: Proclamation; 12/1/20

modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18-08; 20-21; 2/1/21
terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06; 21-01; 2/16/21

FAMILY SUPPORT DIVISION

authorized representatives; 13 CSR 40-2.015; 2/16/21
MO HealthNet for former foster care children; 13 CSR 40-7.080; 12/15/20
scope and definitions; 13 CSR 40-7.010; 2/16/21

HEALING ARTS, STATE BOARD OF REGISTRATION FOR THE

administration of vaccines per protocol; 20 CSR 2150-5.025; 2/1/21
graduate medical student temporary license; 20 CSR 2150-2.068; 6/1/20

HEALTH AND SENIOR SERVICES, DEPARTMENT OF
regulation and licensure, division of

annual requirements;
19 CSR 30-61.055; 10/1/20, 1/15/21
19 CSR 30-62.052; 10/1/20, 1/15/21
authorized electronic monitoring; 19 CSR 30-91.010; 10/1/20, 1/15/21
background screening findings; 19 CSR 30-63.040; 10/1/20, 1/15/21
definitions;
19 CSR 30-61.010; 10/1/20, 1/15/21
19 CSR 30-62.010; 10/1/20, 1/15/21
19 CSR 30-63.010; 10/1/20, 1/15/21
dispensing without a prescription; 19 CSR 30-1.074; 12/1/20
evaluation and assessment measures for title XIX recipients and applicants; 19 CSR 30-81.030; 2/16/21
electronic prescribing waiver; 19 CSR 30-1.080; 1/15/21
general requirements; 19 CSR 30-63.020; 10/1/20, 1/15/21
hospice program operations; 19 CSR 30-35.010; 8/17/20, 12/1/20
licensing process;
19 CSR 30-61.045; 10/1/20, 1/15/21
19 CSR 30-62.042; 10/1/20, 1/15/21
partial filling of controlled substances prescriptions; 19 CSR 30-1.064; 12/1/20
personnel; 19 CSR 30-62.102; 10/1/20, 1/15/21
process for appeal required in section 210.1080, RSMo; 19 CSR 30-63.050; 10/1/20, 1/15/21
schedules of controlled substances; 19 CSR 30-1.002; 12/1/20
separate registrations; 19 CSR 30-1.026; 12/1/20
the child care provider and other child care personnel; 19 CSR 30-61.105; 10/1/20, 1/15/21
senior and disability services, division of
definitions; 19 CSR 15-9.100; 9/1/20, 12/15/20
electronic visit verification; 19 CSR 15-9.200; 9/1/20, 12/15/20

HEARING INSTRUMENT SPECIALIST, BOARD OF EXAMINERS FOR

general organization; 20 CSR 2165-1.010; 12/1/20

INSURANCE

applied behavior analysis maximum benefit; 20 CSR; 3/1/19
construction claims binding arbitration cap; 20 CSR; 12/15/20
non-economic damages in medical malpractice cap; 20 CSR; 6/15/18
sovereign immunity limits; 20 CSR; 12/15/20
state legal expense fund; 20 CSR; 12/15/20
insurance licensing
utilization review; 20 CSR 700-4.100; 3/2/20, 7/15/20, 12/1/20
insurance solvency and company regulation

licensing procedures for pharmacy benefits managers; 20 CSR 200-22.010; 9/15/20
life, annuities and health
Missouri life and health insurance guaranty association; 20 CSR 400-5.600; 3/2/20, 7/15/20, 12/1/20
property and casualty
rate and supplementary rates information filings; 20 CSR 500-4.200; 10/1/20, 1/15/21

INTERPRETERS, MISSOURI STATE COMMITTEE OF

application for licensure; 20 CSR 2232-2.010; 11/2/20, 2/16/21
application for temporary license; 20 CSR 2232-2.020; 11/2/20, 2/16/21
name and address change, license renewal, and inactive license; 20 CSR 2232-2.030; 11/2/20, 2/16/21

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

evidence of occupational disease exposure for first responders; 8 CSR 50-5.007; 2/16/21

MENTAL HEALTH, DEPARTMENT OF

certification standards
community support in community psychiatric rehabilitation programs; 9 CSR 30-4.047; 12/15/20
SATOP administration and service documentation; 9 CSR 30-3.202; 12/15/20
SATOP personnel; 9 CSR 30-3.204; 12/15/20
SATOP structure; 9 CSR 30-3.206; 12/15/20
SATOP supplemental fee; 9 CSR 30-3.208; 12/15/20
substance awareness traffic offender program; 9 CSR 30-3.201; 12/15/20

MISSOURI CONSOLIDATED HEALTH CARE PLAN

health savings account plan benefit provisions and covered charges; 22 CSR 10-2.053; 12/1/20
22 CSR 10-3.055; 12/1/20
pharmacy employer group waiver plan for medicare primary members; 22 CSR 10-2.089; 12/1/20
ppo 1250 plan benefit provisions and covered charges; 22 CSR 10-2.047; 12/1/20
22 CSR 10-3.059; 12/1/20
ppo 750 plan benefit provisions and covered charges; 22 CSR 10-2.046; 12/1/20
22 CSR 10-3.058; 12/1/20
public entity membership agreement and participation period; 22 CSR 10-3.030; 12/1/20

MISSOURI DEPARTMENT OF TRANSPORTATION

location and relocation of utility facilities on state highways; 7 CSR 10-3.010; 10/15/20
oversize/overweight permits; 7 CSR 10-25.020; 11/16/20
utility relocation hearings and variance request hearings; 7 CSR 10-3.020; 10/15/20

MO HEALTHNET DIVISION

biopsychosocial treatment of obesity for youth and adults; 13 CSR 70-25.140; 10/1/20, 2/16/21
comprehensive day rehabilitation program; 13 CSR 70-99.010; 11/2/20, 2/16/21
drug prior authorization process; 13 CSR 70-20.200; 11/2/20, 2/16/21
electronic visit verification (EVV); 13 CSR 70-3.320; 8/17/20, 12/15/20, 2/1/21
federal reimbursement allowance (FRA); 13 CSR 70-15.110; 6/1/20, 10/15/20
ninety-day supply requirements for select medications; 13 CSR 70-20.047; 2/16/21
nonemergency medical transportation (NEMT) services; 13 CSR 70-5.010; 10/1/20, 2/1/21

payment policy for provider preventable conditions; 13 CSR 70-3.230; 12/15/20
 professional dispensing fee; 13 CSR 70-20.060; 2/16/21
 retrospective drug use review process; 13 CSR 70-20.300; 11/2/20, 2/16/21
 thirty-one-day supply maximum restriction on pharmacy services reimbursed by the MO HealthNet Division; 13 CSR 70-20.045; 2/16/21

NATURAL RESOURCES

design of concentrated animal feeding operations; 10 CSR 20-8.300; 1/15/21, 2/16/21
 permit modifications list available online; 10 CSR 25-7; 1/15/21

NURSING, STATE BOARD OF

fees; 20 CSR 2200-4.010; 11/2/20, 2/16/21

OPTOMETRY, STATE BOARD OF

license renewal; 20 CSR 2210-2.030; 9/15/20, 1/4/21

PHARMACY, STATE BOARD OF

administration by medical prescription order; 20 CSR 2220-6.040; 1/4/21
 administration of vaccines per protocol; 20 CSR 2220-6.050; 2/1/21
 class R —remote dispensing site pharmacy; 20 CSR 2220-2.680; 10/15/20, 2/16/21
 drug distributor licensing requirements; 20 CSR 2220-5.020; 12/1/20
 general fees; 20 CSR 2220-4.010; 8/3/20
 intern pharmacist licensure; 20 CSR 2220-7.025; 2/1/21
 prospective drug utilization review; 20 CSR 2220-2.195; 10/1/20, 1/15/21
 required pharmacy reporting; 20 CSR 2220-2.425; 2/16/21
 transfer of prescription or medication order information; 20 CSR 2220-2.120; 12/1/20

PRIVATE INVESTIGATOR AND PRIVATE FIRE INVESTIGATOR EXAMINERS, BOARD OF

application for licensure — agency; 20 CSR 2234-3.010; 11/2/20, 2/16/21
 application for licensure — agency employee; 20 CSR 2234-3.040; 11/2/20, 2/16/21
 application for licensure — private fire investigator; 20 CSR 2234-2.015; 11/2/20, 2/16/21
 application for licensure — private investigator; 20 CSR 2234-2.010; 11/2/20, 2/16/21
 continuing education; 20 CSR 2234-6.010; 2/16/21
 examination; 20 CSR 2234-5.010; 11/16/20
 fees; 20 CSR 2234-1.050; 11/2/20, 2/16/21

PSYCHOLOGISTS, STATE COMMITTEE OF

application for health service provider certification; 20 CSR 2235-1.031; 12/15/20
 application for licensure; 20 CSR 2235-1.030; 12/15/20
 application for professional licensure; 20 CSR 2235-1.025; 12/15/20
 application for temporary licensure; 20 CSR 2235-1.026; 12/15/20
 educational requirements, section 337.025, RSMo; 20 CSR 2235-2.005; 1/4/21
 fees; 20 CSR 2235-1.020; 12/15/20
 licensure by reciprocity; 20 CSR 2235-2.070; 1/4/21
 renewal of license; 20 CSR 2235-1.050; 12/1/20

PUBLIC DEFENDER COMMISSION

organization of the agency; 18 CSR 10-1.010; 1/4/21

PUBLIC SAFETY, DEPARTMENT OF

alcohol and tobacco control, division of
 change of facts, posting, transfer and lost licenses—executors—administrators; 11 CSR 70-2.030; 9/15/20, 2/16/21

manufacturers; 11 CSR 70-2.060; 9/15/20, 2/16/21
 retail licensees; 11 CSR 70-2.120; 9/15/20, 2/16/21
 use of minors in enforcement; 11 CSR 70-3.020; 9/15/20, 2/16/21

director, office of the

computer-based continuing education training for 911 telecommunicators; 11 CSR [30-13.110]90-4.100; 10/15/20
 definitions; 11 CSR [30-13.020]90-4.020; 10/15/20
 definitions and technical standards for information sharing; 11 CSR 30-17.010; 11/2/20
 exemptions and waiver of initial training requirement; 11 CSR [30-13.040]90-4.040; 10/15/20
 general organization; 11 CSR [30-13.010]90-4.010; 10/15/20
 initial training; 11 CSR [30-13.030]90-4.030; 10/15/20
 in-service continuing education training for 911 telecommunicators; 11 CSR 30-13.100; 10/15/20
 law enforcement agency procedures for activating an amber alert; 11 CSR 30-10.020; 10/1/20, 2/1/21
 minimum standards for continuing education training; 11 CSR [30-13.060]90-4.060; 10/15/20
 out-of-state, federal, and organizations or commercial entities continuing education credit for 911 telecommunicators; 11 CSR [30-13.090]90-4.090; 10/15/20
 procedure to obtain approval for an individual continuing education course for 911 telecommunicators; 11 CSR [30-13.080]90-4.080; 10/15/20
 procedure to obtain continuing education provider approval for 911 telecommunicators; 11 CSR [30-13.070]90-4.070; 10/15/20
 requirements for continuing education; 11 CSR [30-13.050]90-4.050; 10/15/20

Missouri gaming commission

rules of liquor control; 11 CSR 45-12.090; 1/15/21

Missouri state highway patrol

brake components; 11 CSR 50-2.160; 12/1/20
 glazing (glass); 11 CSR 50-2.270; 12/1/20
 inspection station classification; 11 CSR 50-2.030; 12/1/20
 inspection station operational requirements; 11 CSR 50-2.090; 12/1/20
 licensing of inspector/mechanics; 11 CSR 50-2.080; 12/1/20
 minimum inspection station requirements; 11 CSR 50-2.020; 12/1/20
 mud flaps; 11 CSR 50-2.300; 12/1/20
 off-highway use vehicles (ATV-OHV); 11 CSR 50-2.340; 12/1/20
 seat belts; 11 CSR 50-2.310; 12/1/20
 steering mechanisms; 11 CSR 50-2.200; 12/1/20

peace officer standards and training program

continuing education requirement; 11 CSR 75-15.010; 11/16/20, 12/1/20
 minimum standards for a certified basic training course; 11 CSR 75-14.050; 8/3/20, 12/1/20
 minimum standards for continuing education training; 11 CSR 75-15.020; 11/16/20, 12/1/20
 Missouri peace officer license exam; 11 CSR 75-13.050; 8/3/20, 12/1/20
 peace officer standards and training commission fund; 11 CSR 75-16.010; 2/16/21

veterans affairs

veterans cemeteries program; 11 CSR 85-1.050; 11/16/20

PUBLIC SERVICE COMMISSION

cogeneration and smaller power production; 20 CSR 4240-20.060; 7/1/20, 12/1/20
 manufactured home installer license; 20 CSR 4240-125.040; 11/2/20, 2/16/21
 net metering; 20 CSR 4240-20.065; 7/1/20, 12/1/20
 requirements for electric utility cogeneration tariff filings; 20 CSR 4240-3.155; 7/1/20, 12/1/20

RESPIRATORY CARE, MISSOURI BOARD OF

application for licensure; 20 CSR 2255-2.010; 1/4/21

RETIREMENT SYSTEMS

Missouri local government employees' retirement system
(LAGERS)

definitions; 16 CSR 20-2.010; 12/15/20

disability retirement applications and other relief; 16 CSR 20-2.085; 12/15/20

the county employees' retirement fund

additional provisions; 16 CSR 50-20.120; 8/17/20, 12/15/20

distribution of accounts; 16 CSR 50-20.070; 8/17/20,
12/15/20

REVENUE, DEPARTMENT OF

allocation and apportionment (beginning on or after January 1, 2020); 12 CSR 10-2.076; 10/15/20, 2/1/21

allocation and apportionment for nonresident shareholders of S corporations and nonresident partners of partnerships (beginning on or after January 1, 2020); 12 CSR 10-2.255; 10/15/20, 2/1/21

annual adjusted rate of interest; 12 CSR 10-41.010; 12/1/20

apportionment method for broadcasters (beginning on or after January 1, 2020); 12 CSR 10-2.260; 10/15/20, 2/1/21

bad debts credit or refund; 12 CSR 10-102.100; 12/1/20

determination of withholding for work performed at temporary work location; 12 CSR 10-2.019; 2/16/21

financial responsibility sampling; 12 CSR 10-25.150; 12/1/20

refunds and credits; 12 CSR 10-102.016; 10/15/20, 2/1/21

sales and use tax return — electronic filing requirement and waiver; 12 CSR 10-104.050; 2/1/21

SAFE DRINKING WATER COMMISSION

certification of public water system operators; 10 CSR 60-14.020; 6/1/20

laboratory certification fee; 10 CSR 60-16.020; 8/17/20, 2/1/21

laboratory services and program administration fees; 10 CSR 60-16.030; 8/17/20, 2/1/21

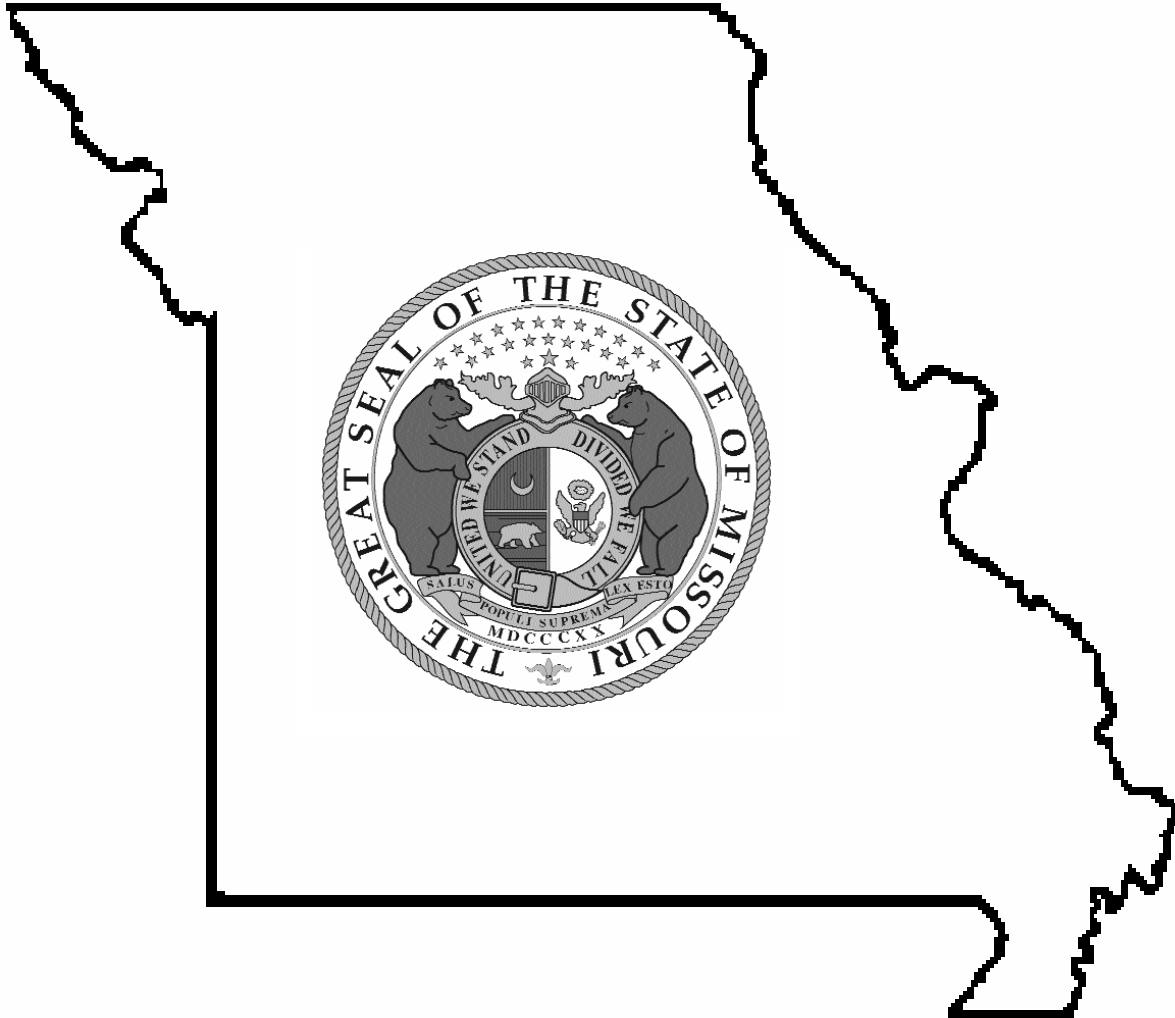
levy and collection of the Missouri primacy fee; 10 CSR 60-16.010; 8/17/20, 2/1/21

operator certification fees; 10 CSR 60-16.040; 8/17/20, 2/1/21

SOCIAL WORKERS, STATE COMMITTEE FOR

fees; 20 CSR 2263-1.035; 12/1/20

MISSOURI STATE RULEMAKING MANUAL



JOHN R. ASHCROFT
SECRETARY OF STATE

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Administrative Rules Contact Information

General Inquiries

(573) 751-4015
rules@sos.mo.gov

Curtis W. Treat, Editor-in-Chief
(573) 751-2022
curtis.treat@sos.mo.gov

John C. Stegmann, Managing Editor
(573) 522-2196
john.stegmann@sos.mo.gov

Vonne Kilbourn, Editor
(573) 751-1818
vonne.kilbourn@sos.mo.gov

Jennifer Alex Moore, Associate Editor
(573) 522-2593
jennifer.moore@sos.mo.gov

Jacqueline D. White, Publication Specialist
(573) 526-1259
jacqueline.white@sos.mo.gov

Tammy Winkelman, Administrative Aide
(573) 751-4015
tammy.winkelman@sos.mo.gov